



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

Mayor and City Council Regular Session Agenda City Hall - Council Chambers Monday, March 4, 2013, 7:30 PM

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF MINUTES

- A. Regular Meeting Held February 19, 2013

V. CONSENT

(resolutions for approval by the City Council that do not need discussion)

- A. Resolution of the Mayor and City Council Authorizing the City Manager to Extend Contract for Comprehensive Professional Services to Provide Program Support for the Capital Projects and Facilities Division of the Public Works Department
- B. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teacher's Way Construction Materials Testing and Inspection Services
- C. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the 2013 Green Street Retrofit

VI. PRESENTATIONS

(certificates from the City and to the City, as well as staff or citizen presentations on topics)

- A. 2012 Overview and Upcoming Projects and Events of Hospice Caring, Inc.

VII. PUBLIC COMMENTS

(public is invited to speak on any subject that is not a public hearing topic on tonight's agenda – each speak three minutes)

VIII. FROM THE MAYOR AND CITY COUNCIL

A. Announcements

- a. Closed Executive Session on March 4, 2013
- b. Upcoming Work Session on March 11, 2013
- c. Upcoming Events and Activities - March 2013
- d. Boards, Commissions, and Committees Vacancies
- e. Ethics Commission Vacancy

IX. FROM THE CITY MANAGER

X. ECONOMIC DEVELOPMENT UPDATE

XI. ORDINANCES / RESOLUTIONS / REGULATIONS

(ordinances and resolutions to be introduced or adopted following appropriate procedures required by the City Code, or resolutions that may require discussion by the Mayor and City Council prior to approval)

- A. Resolution of the Mayor and City Council Authorizing the City Manager to Execute a Sixth Amendment to the Annexation Agreement with MedImmune - X-129
- B. Introduction of an Ordinance to Amend Chapter 6C of the City Code Entitled "Elections" Article I "In General, " Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting - Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures - Political Committees", and Section 7 Entitled "Time and Manner of Reporting - Political Committees"

XII. JOINT PUBLIC HEARING

(public testimony will be heard following presentations – each speaker three minutes)

- A. CTAM-1904-2013 Proposed Text Amendments amending the requirements for Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and housekeeping

Amendments

XIII. FROM THE CITY ATTORNEY / OTHER STAFF

XIV. ADJOURNMENT

XV. CORRESPONDENCE

(Weekly external and internal correspondence to Mayor and City Council, no discussion)

A. Outside Correspondence

To confirm accessibility accommodations, please contact Doris Stokes at 301-258-6310, or email DStokes@gaithersburgmd.gov.

Please turn off all cellular phones and pagers prior to the meeting. Hand held signs brought may not be displayed in a manner which disrupts the meeting, blocks the view of spectators or cameras and poses a safety concern [e.g., signs mounted on stakes]. Your cooperation is appreciated.

ANNOUNCEMENTS

The next Mayor and City Council Work Session will be held Monday, March 11, 2013, at 7:30 PM.

Call to Order

Pledge of Allegiance

Invocation

Approval of Minutes



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Regular City Council Meeting Minutes City Hall - Council Chambers Tuesday, February 19, 2013

A Regular City Council was called to order with Mayor Katz presiding. Council Members present: Ashman, Drzyzgula, Marraffa, Sesma and Spiegel. Staff present: City Manager Tomasello, City Attorney Board, and Municipal Clerk Stokes. Planning Commission present for joint public hearing: Bauer, Kaufman, Hopkins and Lanier.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Rita Pumphrey, Gaithersburg, Maryland.

III. INVOCATION

The invocation was led by the Reverend Thomas R. Pumphrey, Interdenominational Church of God, Gaithersburg, Maryland.

IV. APPROVAL OF MINUTES

A. Work Session Held January 28, 2013

Motion was made by Council Member Ashman, seconded by, Council Member Spiegel, that the minutes of the Mayor and Council work session held January 28, 2013, be approved.

Vote: 5-0

B. Regular Meeting Held February 4, 2013

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that the minutes of the Mayor and Council regular meeting held February 4, 2013, be approved with an amendment.

Vote: 5-0

C. **Fiscal Year 2014 Annual Budget Forum Held February 11, 2013**

Motion was made by Council Member Spiegel, seconded by, Council Member Drzyzgula, that the minutes of the Mayor and Council Fiscal Year 2014 Annual Budget Forum held February 11, 2013, be approved.

Vote: 5-0

V. **CONSENT**

A. **Resolution of the Mayor and City Council Approving Amendments to the Personnel Rules & Regulations of the City of Gaithersburg**

This resolution approved two amendments to Section 600 (Compensation) of the Personnel Rules & Regulations of the City of Gaithersburg as proposed by the City Manager: Section 608.3 Direct Deposit - to provide that an employee may elect to pick up a live (paper) paycheck in lieu of mailing in cases when a live check is issued due to the employee's initial enrollment in direct deposit or the employee making a change in direct deposit designations (i.e., before direct deposit takes effect) and Section 609.19 Canine Officer Pay - to provide that canine officer pay will be at the officer's overtime rate (1½ times his/her hourly rate of pay or compensatory time in lieu of pay) regardless of whether he/she works in excess of 40 hours during the work week. The amendments would become effective upon adoption of the resolution.

B. **Resolution of the Mayor and City Council to Codify and Amend the Official Traffic Rules and Regulations for the City of Gaithersburg**

This resolution codified and amended the City's Official Traffic Orders which had established eleven (11) new traffic orders. Certain amendments, additions and deletions become necessary from time to time and this resolution allows all rules and regulations currently in effect in one document.

C. **Resolution of the Mayor and City Council Authorizing the City Manager to Renew the 2012 Street Reconstruction Contract**

This resolution is for a one (1) year renewal of the 2012 Street Reconstruction contract to perform the reconstruction of the following streets: Professional Drive, Bank Street, and East Diamond Avenue. The proposed project will include patching base failures and replacement of the concrete curbs and sidewalk to facilitate a two to four inch overlay. This option is less expensive than the removal and replacement of the entire pavement with a thicker pavement section. This resolution authorized the City Manager to renew the one (1) year contract with Olney Masonry Corporation, 6701 Ammendale Road, Beltsville, Maryland 20705, in an amount estimated to be Seven Hundred Seventy-Five Thousand Dollars (\$775,000), with an additional contingency of One Hundred Sixteen Thousand Dollars (\$116,000), for a total of Eight Hundred Ninety-One Thousand Dollars (\$891,000); said funds to be expended from the Capital Improvements Budget.

D. **Resolution of the Mayor and City Council Authorizing the City Manager to Renew the 2012 Street Reconstruction Contract**

This resolution is for a one (1) year renewal of the 2012 Street Resurfacing contract to perform the resurfacing of Municipal Lot 5 as well as the following streets: Gold Kettle Drive, Brighton Drive, Brighton Terrace, Brighton Lane, and Brighton Court. The resurfacing will include milling, curb and gutter repair, sidewalk and driveway repair, as well as an asphalt overlay with placement of a crack retarding fabric. This resolution authorized the City Manager to renew the contract for one (1) year with Olney Masonry Corporation, 6701 Ammendale Road, Beltsville, Maryland 20705, in an amount estimated to be Five Hundred Ninety-Six Thousand Dollars (\$596,000), with an additional contingency of Eighty-Nine Thousand Dollars (\$89,000), for a total of Six Hundred Eighty-Five Thousand Dollars (\$685,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Marraffa, seconded by, Council Member Spiegel, that the Consent Agenda (Resolution Nos. R-9-13 through R-12-13), be approved.

Vote: 5-0

VI. **APPOINTMENTS**

A. **Resolution of the City Council Confirming Appointments and Reappointments to the Arts and Monuments Funding Corporation, Art in Public Places Subcommittee and Gaithersburg Book Festival Ad Hoc Committee, Economic and Business Development Committee, Environmental Affairs Committee, Olde Towne Advisory Subcommittee, Police Advisory Committee and Transportation Committee**

This resolution confirmed the following: Gaithersburg Ad Hoc Book Festival Committee (appointments), Kathy Crutcher, 1977 Biltmore Street, NW, Washington, DC 20016, Brenda Currin, 6806 Allview Drive, Columbia, Maryland 21046, Garinè Isassi, 12117 Pueblo Road, Gaithersburg, Maryland 20878, Jennifer Nicholson, 321 Prettyman Drive, Rockville, Maryland 20850, and Paul Stankus, 512 Saddle Ridge Lane, Rockville, Maryland 20850, indefinite term; Olde Towne Advisory Subcommittee (appointments), Robert Love, 107 James Street, Gaithersburg, Maryland 20877, indefinite term; Police Advisory Committee (appointments), Victor Guerrero, 4827 Rugby Avenue, Suite 201, Bethesda, Maryland 20814, Rada Puri, 248 Perrywinkle Lane, Gaithersburg, Maryland 20878, and Douglass H. Wagner, 37 S. Summit Avenue, Gaithersburg, Maryland 20877, two-year terms; Art in Public Places Subcommittee (reappointments), Judy Gross, 446 Tschiffely Square Road, Gaithersburg, Maryland 20878, two-year term; Arts and Monuments Funding Corporation (reappointments), Mary Fehlig, 1 Arch Place, #421, Gaithersburg, Maryland 20878, Toni Lieberman, 18 Apricot Court, North Potomac, Maryland 20878, and Sigrid McCutcheon, 142 Lake Street, Gaithersburg, Maryland 20878, two-year terms; Environmental Affairs Committee (reappointments), John Hudson, 214 Tulip Drive, Gaithersburg, Maryland 20877, two-year term; Economic and Business Development Committee (reappointments), Raymond T. McKenzie, 800 South Frederick Avenue, Suite 104, Gaithersburg, Maryland 20877, two-year term; and the Transportation Committee (reappointments), Larry Seeger, 1015 Bayridge Terrace, Gaithersburg, Maryland 20877 and Jerry M. Stringham, 162 Chevy Chase Street, Gaithersburg, Maryland 20878, two-year terms.

Motion was made by Council Member Ashman, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS TO THE ARTS AND MONUMENTS FUNDING CORPORATION, ART IN PUBLIC PLACES SUBCOMMITTEE AND GAITHERSBURG BOOK FESTIVAL AD HOC COMMITTEE, ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE, ENVIRONMENTAL AFFAIRS COMMITTEE, OLDE TOWNE ADVISORY SUBCOMMITTEE, POLICE ADVISORY COMMITTEE AND TRANSPORTATION COMMITTEE (Resolution No. R-13-13), be approved.

Vote: 5-0

VII. STAFF GUIDANCE

Noted: Mayor Katz moved the following Staff Guidance items up on the agenda.

A. Update on the 2013 State Legislative Session and the City's Legislative Priorities

Intergovernmental Affairs Coordinator Sanchez mentioned that the 430th Legislative Session began on January 9, 2013. Reported that Governor Martin O'Malley formally submitted his proposed budget to the General Assembly on January 16, 2013. The proposed budget includes an additional \$15.3 million in Highway User Revenue (HUR) for municipalities and full funding at an estimated \$9 million of state aid for police protection. On October 15, 2012, the Mayor and City Council approved the City's legislative priorities. An updated was provided for the following:

1. Ethics - Financial Disclosure by Local Elected Officials, work group continuing to look at the financial disclosure requirements. Both Council Member Ashman and City Attorney Board are working with the group on the amendments to allow some flexibility for elected officials.
2. Municipalities – Legal Notice Requirements – Posting on Websites, staff continuing to pursue and incorporate amendments to the legislation.
3. Vehicle Laws – Speed Monitoring Systems – Enforcement, staff (Police Sergeant Scarff) plan to attend the hearing in Annapolis. This law would allow certified technicians to sign off on speed camera violations.
4. City Bond Bill Request, reported that Senator Jennie Forehand and Senator Nancy King are co-sponsors for the City's Bond Bill to allow \$150,000 for improvements to the entry way at the City's Miniature Golf Course. Thanked Parks, Recreation and Culture Director Potter and staff for assisting with the request.
5. Transportation Funding, reported that several proposals were submitted. Mentioned that funds have been depleted and expressed concern with the lack of funds for future projects. Reported that Senator Mike Miller proposed a transportation plan that would impose a sales tax on gasoline, as well as allow counties to add a .5 cent tax to the existing 23.5 cent per gallon tax in their areas. Said tax would go into the general fund.

6. Other bill – SB 829 – constitutional amendment that would put a lock box on the transportation trust fund. In addition, Council Member Marraffa testified in support of a bill on sustainable communities that would allow those communities to be treated the same as transit oriented development.

B. Opportunity Grant Fund Application

Maureen Herndon, Division Chief, Community Services stated that the Community Advisory Committee received and reviewed four applications for grant consideration and recommended funding in the amount of \$5,000 to Gaithersburg HELP for its transportation program, which will provide assistance to more than 55 City residents needing transportation to medical, mental health and/or social service appointments. In the FY13 budget, up to \$50,000 was authorized to provide grants to nonprofit organizations for program(s)/service(s) that are new, innovative, and/or address emerging needs or special opportunities for City of Gaithersburg residents. Two of the remaining applications are still under review.

Motion was made by Council Member Drzyzgula, seconded by, Council Member Marraffa, that the recommended funding to Gaithersburg HELP, be approved.

Vote: 5-0

VIII. PRESENTATIONS

A. Proclamation of the Mayor and City Council Designating February as African American History Month in the City of Gaithersburg

African American History Month is celebrated every February. Dr. Carter G. Woodson began this celebration in 1926 as an effort to focus national attention on the important contributions African-American citizens contributed to the history of their country. The City's Multicultural Affairs Committee selected African-American achievements as their theme in commemorating this year's celebration during a reception held at City Hall. At the reception, winners of an elementary school student essay contest read essays they wrote based on this theme, and were presented awards. The achievements of Reverend Thomas R. Pumphrey were also celebrated. Mr. Pumphrey was a member of the first class to integrate Sherwood Junior/Senior High School. Immediately after high school, he served four years in the Air Force, completing a tour in Vietnam. Mr. Pumphrey also served over twenty years with Montgomery County Public Schools, working as a custodian, instructional assistant, teacher and later a principal. He is currently the Senior Pastor at the Interdenominational Church of God in Gaithersburg, Maryland. Charlemagne Orisme, Chair Multicultural Affairs Committee joined Mayor Katz to issue the proclamation.

B. 2012 Fourth Quarter Employee Recognition Awards

The winner of the Fourth Quarter Team Recognition Award was the Emergency Overnight Shelter Management Team comprised of Adam Goldstein, Terrilyn Lahs, April Outman, Tim Smith (not present), Gardner Torrence (not present), and Pam Truxal from the Department of Parks, Recreation and Culture. The team was recognized for becoming willing emergency personnel and rising to the challenges of operating an overnight shelter during Superstorm Sandy in October 2012.

C. **Gaithersburg Police Department Awards for Supervisor of the Year and Officer of the Year**

Chief Sroka gave brief remarks and presented to members of the Gaithersburg Police Department, a plaque and certificate for their respective categories: 2012 Officer of the Year Officer Gregg Johannesen and Supervisors of the Year Sergeant Shawn Eastman and Sergeant Chris Vance.

D. **Presentation of Draft Request for Proposal (RFP) for 315 East Diamond Avenue and the Olde Towne Plaza**

Planning and Code Administration Director Schlichting joined by Economic Development Director Loneragan gave a PowerPoint presentation providing an overview of the draft RFP for 315 East Diamond Avenue and the Olde Towne Plaza. It was noted that it is the third RFP for the site and clarified that the subject site does not include the Winkler property. The presentation covered the proposed draft design criteria for the building and plaza, including building and landscape architectural design, use of the building and plaza, as well as evaluation criteria and next steps. The project was outlined with a vision for a mixed-use project with ground-level retail and/or restaurant space, multi-purpose community space and/or arts space, and the expansion of the existing plaza at the corner of North Summit and East Diamond Avenues. The project goals encourage highly distinctive and unified design for both the public plaza and future building; create and invite public space with public art and provide year-round interest; signature architecture for a mix of uses, but not limited to restaurants, retail, and art space; and preserve views of the City's History Park and Train Museum. Staff is aware of the concerns of neighboring property owners, businesses and residential regarding public parking and the cost burying utilities along the North Summit and East Diamond Street frontage.

The Draft RFP will be revised, if necessary, to include feedback from the Mayor and City Council as well as the Olde Towne Advisory Committee. Staff plans to issue a formal RFP by March 1st, proposals due by April 15th for the Selection Committee to review and score submissions and the recommendation of the winning bidder by May 1st.

Staff was asked to clarify that the Plaza is not an amenity of the building except to the extent of public use in the building. Additional parking spaces were suggested. All concurred to move forward with the RFP.

The following employees were recognized for their involvement: Lauren Pruss, Planning Director, Wes Rhodes, Procurement Officer, and Cindy Hines, Assistant to the City Manager.

E. **Presentation on the Terms of a Proposed Sixth Amendment to Annexation Agreement (X-129) for the MedImmune Properties**

The City annexed approximately 212 acres of land into its corporate boundaries in 1982 (X-129) and entered into an Annexation Agreement with General Electric Information Services Company, the owner of the property at that time, for development of the annexed lands. The Annexation Agreement has been amended five times since the original agreement with the most recent amendment occurring in 2002. MedImmune, the current owner of approximately 62.6 acres of the land within the annexed area, is seeking a sixth amendment to the Annexation Agreement in order to amend the conditions under which the MedImmune Properties may be developed in the future.

MedImmune proposed a sixth amendment to the Annexation Agreement (X-129) modifying the conditions under which MedImmune may develop the properties it owns within the area subject to prior Annexation Agreements for X-129. City Attorney Board noted that an amendment to an annexation agreement is a contractual negotiation between the parties and does not have formal public hearing requirements. In addition, when MedImmune chooses to further develop its property, a formal SDP and site plan processes would be required, which would include public hearings.

City Attorney Board provided background on the annexation. MedImmune, LLC owns approximately 62.6 acres of land in the annexed area, to include:

- 101 Orchard Ridge Drive (Parcel N295, the "Summit", 8.42 acres)
- 200 Orchard Ridge Drive (Parcel N254, part of the "Ridges", 9.07 acres)
- 1 MedImmune Way (Parcel N454, part of the "Ridges", 22.8 acres)
- Quince Orchard Road (Parcel N432, part of the "Ridges", 4.92 acres)
- Quince Orchard Road (Parcel N550, the "Meadows", 17.39 acres)

Under the existing Annexation Agreement and Amendments thereto, MedImmune is entitled to develop its properties as follows:

- The Ridges –
 - Existing Built – 818,000 square feet; Office/Lab use
 - Current Allowable – 855,000 square feet at 4 – 7 stories; Office/Lab use
- The Summit –
 - Existing Built – 102,000 square feet; Office use
 - Current Allowable – 106,000 square feet at 3 stories; Office use
- The Meadows –
 - Existing Built – 0 square feet; Office/Retail use
 - Current Allowable – 150,000 – 325,000 square feet at 3 – 8 stories; Office/Retail use
- Overall Proposed Development –
 - Existing Built – 920,000 square feet
 - Current Allowable – 1,111,000 - 1,266,000 square feet

The amendments include the following proposed terms and conditions:

1. Density - Revising the density of development allowed on the MedImmune properties to remove the existing square foot limitations and instead impose the density permitted under the MXD zone in effect at the time of the Amendment or a floor area ratio (FAR) of 0.75. In calculating density, the FAR would be calculated so that the density is not reduced by any dedications, reservations or acquisitions for public use and shall include the City-owned parcels (approximately 11.7 acres of land) within the annexation area. In addition, MedImmune would seek rezoning of the Summit property from the I-3 zone to MXD and would not be subject to the maximum percentage requirements for various uses in the MXD zone. This would result in total allowable density of 2,426,000 square feet of development.
2. Meadows Development Limitations - Development of the Meadows property would be limited to a total of 300,000 (down from 325,000) square feet of building of lab/office use (instead of office/retail use), with a height of 3 – 5 stories (instead of 3 – 8 stories). The set back requirement for the Meadows

would include a minimum 100 foot setback for buildings and structured parking and 50 feet for surface parking. Trees, vegetation and adequate screening would be required along Orchard Ridge Drive.

3. Concept Bubble Plan – MedImmune would submit a Concept Bubble Plan with the Amendment which, in addition to the height reductions for the Meadows described above, would change the height limitations for the Ridges from 4 – 7 stories to 4 – 9 stories and for the Summit from 3 stories to 4 – 7 stories. The allowable uses for the Summit would be changed from Office to Office/Lab.
4. Orchard Ridge Drive Parking - MedImmune would contribution up to \$350,000 to assist the City to develop additional on-street parking along Orchard Ridge Drive. It is anticipated that 15 – 20 spaces could be accommodated. The City would manage the design and construction of these improvements.
5. Park Dedication – At the time of Schematic Development Plan approval for the Meadows, MedImmune would dedicate an approximately 6.5 acre parcel in the Meadows to the City for use as open space/parkland and would contribute \$200,000 to the City for park improvements on this parcel.
6. Transportation Improvements - In lieu of being subject to the City's APFO requirements for transportation, MedImmune would be responsible for all transportation requirements necessary for its development within the general boundaries of the MedImmune and Quince Orchard Park properties. In addition, for any development that exceeds 138,518 square feet of new building area (which is exempted under the current Agreements), MedImmune will pay to the City \$4.00 per square foot of approved building area at the time of final site plan to be used for transportation network improvements that benefit the general transportation area surround the MedImmune Properties. Note that under the current Annexation Agreements, MedImmune is exempt from APFO requirements.
7. Pedestrian Bridge - MedImmune would contribute up to \$4 million for the design and construction of a pedestrian bridge crossing Great Seneca Highway, provided the project is commenced by December 31, 2023. This construction, to the extent possible, would be coordinated with the CCT.
8. Parking Requirements – The parking standard for future development of the MedImmune properties would be one space for every 400 square feet of gross floor area. The exception to this standard would be one space for every 325 square feet of gross floor area for the Meadows if ownership of this property is transferred to an entity unrelated or unaffiliated with MedImmune.
9. Code Applicability – With the exception of APFO requirements, the development of the MedImmune properties would be subject to current City Codes and regulations in place at the time of any application submittal.
10. Term of Agreement – The terms of the Sixth Amendment to Annexation Agreement would remain in place until January 1, 2053.

In an effort to provide public outreach, MedImmune emailed a letter to the Quince Orchard Park Community Manager detailing the terms of the proposed Amendment and requested that the letter be shared with the neighborhood. In addition, MedImmune representative attended the Quince Orchard Park Council in the Communities meeting held on February 12, 2013. On February 12, 2013, City staff also sent postcards notifying residents and businesses of this matter before

the Mayor and City Council and invited public comment.

Staff prepared a resolution to come before the Mayor and City Council later on the agenda for the above matter.

IX. PUBLIC COMMENTS

Joe Allan, Gaithersburg resident, spoke on the MedImmune development and the proposed amendments to the above mentioned annexation agreement. He expressed concern with the waiver of the APFO, analysis of the traffic impact, use of dedicated funds, and pedestrian and bicycle traffic.

X. FROM THE MAYOR AND CITY COUNCIL

Cathy Drzyzgula

1. Apologized for not being at the African American History Month reception held earlier due to testifying in Annapolis on the requirement of newspaper and legal notices.
2. Reported that she and colleagues travelled to Annapolis on Saturday, February 16th for an opportunity to speak to legislators about the City's priorities. The City provided a bus for interested residents.
3. Attended the State Watershed Improvement Plan meeting in Annapolis and participated on a task force working to refine regulations that are proposed for accounting for growth.
4. Attended the Quince Orchard Council in the Communities meeting.

Mike Sesma

1. Announced that the City will hold a public meeting on Wednesday, February 20, 2013 at 7:00 p.m. at the Activity Center at Bohrer Park, Summit Hall Farm, 506 South Frederick Avenue. The proposed meeting is to solicit comments on the use of Community Development Block Grant (CDBG) funding, available to the City through the U.S. Department of Housing and Urban Development (HUD). Contact Louise Kauffmann at lkauffmann@gaitthersburgmd.gov or 301- 258-6320 for more information.
2. Congratulated the recipients that received awards earlier in the meeting.
3. Attended the African American History Month reception and recognized the readings by Gaithersburg's youth.
4. Attended the Council in the Communities meeting with the Quince Orchard Park community. Residents expressed concern with pedestrian safety and asked that the State Highway Administration address the issues of the intersection at Great Seneca Highway.
5. Thanked the District 17 Delegation for hosting the reception mentioned above and thanked the Governor for stopping in.
6. Reported that he gave testimony on behalf of the National League of Cities to the Subcommittee on Environmental and Economy. The topic discussed was infrastructure in relation to water and the impact on funding for cities to finance such improvements and construction. Stated there is an issue with managing infrastructure and the fiscal pressure. Encouraged Congress to look at the financing mechanisms that the Federal Government offers to local governments to manage such facilities.

Henry Marraffa

1. Attended the District 17 Legislative Session and spoke on the speed on Intercounty Connector. Reported that the speed will increase to 60 mph.
2. Reported that a closed executive session was held at City Hall on Monday, February 4, 2013 at 9 p.m., to discuss the expansion of a local business. The session was held pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. Present at the meeting were Mayor Katz, Council Members Ashman, Drzyzgula, Marraffa, Sesma, and Spiegel, City Manager Tomasello, City Attorney Board, Planning and Code Administration Director Schlichting, and Economic Development Director Loneragan. Upon conclusion of the discussion, the closed meeting was adjourned at approximately 9:30 p.m.
3. Attended the African American History Month reception held this evening

Ryan Spiegel

1. Echoed comments about the reception held earlier, the District 17 Delegation reception, the quarterly team recognition and the Gaithersburg Police award recipients.
2. Thanked the Quince Orchard Park community for hosting the meeting mentioned above.
3. Reported that many issues are being addressed in Annapolis and elected officials and staff are working to represent and serve the Gaithersburg community.
4. Announced that the Maryland Municipal League Annual Montgomery Chapter meeting will be held this week and will report back on the concerns being addressed.
5. Announced that the U.S. General Services Administration is hosting a webinar on programs such as green purchasing and other matters.
6. Wished Council Vice President Sesma a Happy Birthday!
7. Announced that the Mayor and City Council will conduct their Annual Planning Retreat on February 25, 2013, 6:30 p.m., at the Gaithersburg Upcounty Senior Center. The Planning Retreat will be held in lieu of a work session. The session will not be televised. The retreat is open to the public, but public comment will not be taken during the session. For more information including the agenda, visit the City's website at www.gaithersburgmd.gov or contact the City Manager's Office at 301-258-6310.

Jud Ashman

1. Congratulated the award recipients recognized earlier in the meeting.
2. Reported that he and colleagues had the opportunity to tour the soon to open Gaithersburg High School which is very impressive.
3. Reported on the submissions received for the upcoming Gaithersburg Book Festival scheduled for May 18th.

Mayor Katz

1. Announced that the Board of Elections for Montgomery County has scheduled a public hearing for Saturday, March 2, 10 a.m. The Board will discuss the decision to dismiss Gaithersburg Elementary School as a polling place for Gaithersburg residents. Gaithersburg officials will testify at the hearing.

2. Next regular meeting is scheduled for Monday, March 4th

XI. FROM CITY MANAGER TOMASELLO

1. Reported that bids were received for the City's new website design.
2. Provided an update for the Rolling Stock project which includes Olde Towne renovations and work on the Budd Car and Caboose.
3. Mentioned the Gaithersburg Aquatic Center construction. The center has been closed for over a year and the City recently received the notice to proceed to with the structural phase. The scheduled completion date is on or before July 15th, 2013. Reported that the Memorandum of Understanding still has to be agreed on.
4. Reported that the County is seeking to expand its smoking legislation in various areas of their properties. Questioned whether the City wanted to pursue similar legislation. Staff will provide an update.

XII. ECONOMIC DEVELOPMENT UPDATE

Economic Development Director Lonergan

1. Toured the Kentlands area for arts designation with members from the Kentlands Downtown Partnership and several members of the Maryland State Arts Council. A determination is expected shortly.
2. Reported that Stedman and Company announced their relocation to Gaithersburg to 9711 Washingtonian Blvd. using the toolbox application for upgrade cost. Several other leases have been completed over the last two months moving the building's occupancy rate from 44 to 66% since December 2012.

XIII. ORDINANCES / RESOLUTIONS / REGULATIONS

A. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Execute an Economic Development Incentive Agreement With Sodexo, Inc.

This resolution authorized the City Manager to complete negotiations and execute the documents needed to move forward with the above mentioned agreement. Sodexo, Inc. is a leading provider of integrated food and facilities management services that employs about 563 workers at its current North American headquarters location in Gaithersburg. The company renewed their lease for 170,000 square feet of space at 9801 Washingtonian Boulevard and has requested that the City, together with the State of Maryland and Montgomery County, provide limited funding to support the Company's retention within the City and employment expansion plans. It is anticipated that the City would provide a grant of up to \$500,000. If approved, staff will prepare an economic development incentive agreement containing the expectations and conditions of both parties relating to the award of the financial incentives.

Motion was made by Council Member Sesma, seconded by, Council Member Spiegel, that the RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH SODEXO, INC. (Resolution No. R-14-13), be approved.

Vote: 5-0

B. Resolution of the Mayor and City Council Authorizing the City Manager to Negotiate and Execute a Sixth Amendment to Annexation Agreement (X-129) for the MedImmune Properties

This resolution authorized the City Manager to Negotiate and Execute a sixth amendment to the Annexation Agreement as presented earlier in the meeting. MedImmune had requested to expedite the matter due to their scheduled building process. It was suggested to modify the resolution to allow for negotiations and bring back authorizing the City Manager to execute at a later day. Staff was asked to take public comments into consideration during the process. Section 10 of the agreement was questioned. City Attorney Board clarified the impact tax for bioscience facilities which are exempted under the county ordinance. The section addresses the exception possibly going away at a future date. Staff was directed to provide information on the dollar amounts. The deadline for the public to submit comments is Friday, February 22nd.

Motion was made by Council Member Spiegel, seconded by, Council Member Sesma, a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SIXTH AMENDMENT TO ANNEXATION AGREEMENT (X-129) FOR THE MEDIMMUNE PROPERTIES (Resolution No. R-15-13), be approved to negotiate only and bring back on the next regular meeting agenda for approval to execute.

Vote: 5-0

XIV. CONSOLIDATED JOINT PUBLIC HEARING

- A. **ASK-1746-2013 – CarMax, an Application to Amend the Sketch Plan for 13.66 Acres of Land in the MXD (Mixed Use Development) Zone, in Accordance With § 24-198 of the City Code. The Plan Proposes 25,000 Square Foot Automotive Sales Center and a 225,000 Square Foot Office/Commercial Building. The Property is Located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland**
- B. **SDP-1747-2013 – CarMax, an Applicant Requests Approval of Schematic Development Plan, SDP-1747-2013, in Conjunction With Amendment to Sketch Plan ASK-1746-2013. The Property is Located at 16331 Shady Grove Road in the City of Gaithersburg, Maryland. The Plan Proposes a 25,000 Automobile Sales Center on 13.66 Acres of Land Located in the MXD (Mixed Use Development) Zone**

Community Planning Director Schwarz presented the above consolidated public hearing duly advertised in *The Gaithersburg Gazette* on January 20 and February 6, 2013. The applicant, CarMax Auto Superstores, Inc., submitted an application to amend Sketch Plan ASK-1746-2013, in the Mixed Use Development (MXD) Zone for approximately 13.66 acres of property. The property is the former location of the Great Indoors and Sears Warehouse in the City of Gaithersburg, Maryland. The amendment proposed a 25,000-square foot Automotive Sales Center and a 225,000-square foot Office/Commercial Building. The property is the subject of a Schematic Development Plan (SDP-1747-2013).

Bob Dalrymple and Erin Girard of Linowes and Blocher, representing the applicant provided history on the site and the proposed redevelopment plan. The firm represented Sears in 2012 to annex the property into the City. The property was zoned MXD at the time of annexation. The county attempted to block the residential use of the property. Great Indoors did not want the property to sit with the current market conditions. CarMax Auto Superstores, Inc. submitted an amendment to the sketch plan application and schematic development plan application. Carmax is seeking feedback to move forward. The redevelopment is being proposed to be done in two phases. Other speakers included JM Dixon and Brian Maslyk from CARMAX and Matt Jones from Bohler Engineering.

The site plan was further reviewed highlighting the location, renderings of the building, the ingress and egress, greenspace and landscaping, buyer retention areas, stormwater management, lighting, designate parking areas, vehicle staging area, sustainable design with LEED certification, and the architectural design and materials.

Members of the City Council and Planning Commission questioned the parking, car inventory, route for transporters, impervious fields, demolition of existing building and the recycling of materials

There were no other speakers at the hearing.

Motion was made by Commissioner Kaufman, seconded by Commissioner Lanier, that the Planning Commission hold their record on ASK-1746-2013 open until 5 p.m. on Wednesday, March 13, 2013, with anticipated recommendation on Wednesday, March 20, 2013.

Vote: 4-0

Motion was made by Council Member Drzyzgula, seconded by Council Member Marraffa, that the City Council hold their record on ASK-1746-2013 open until 5 p.m. on Thursday, March 21, 2013, with anticipated policy discussion on Tuesday, April 2, 2013.

Vote: 5-0

Motion was made by Commissioner Kaufman, seconded by Commissioner Lanier, that the Planning Commission hold their record on SDP-1747-2013 open until 5 p.m. on Wednesday, March 13, 2013, with anticipated recommendation on Wednesday, March 20, 2013.

Vote: 4-0

Motion was made by Council Member Spiegel, seconded by Council Member Drzyzgula, that the City Council hold their record on SDP-1747-2013 open until 5 p.m. on Thursday, March 21, 2013, with anticipated policy discussion on Tuesday, April 2, 2013.

Vote: 5-0

XV. FROM THE CITY ATTORNEY / OTHER STAFF

No report from staff.

XVI. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 9:45 p.m.

Respectfully submitted,
Doris R. Stokes
Municipal Clerk

Consent Items

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

James D. Arnoult

RESPONSIBLE STAFF:

James D. Arnoult

Patrick Mullarkey

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
X	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Extend a Contract for Comprehensive Professional Services to Provide Program Support for the Capital Projects and Facilities Division of the Public Works Department

SUPPORTING BACKGROUND:

Following the resignation of the Capital Projects and Facilities Director in November 2011, the City entered into a professional services contract with Vincent E. "Ed" Mandley in December 2011, to assist with the operation and management of the Division during the search for, and the transition to, a replacement Director for the Division.

The contract was based on an hourly rate of \$65.00 per hour. The original contract total was not to exceed \$28,000.

During the current fiscal year, Public Works has used Ed for a variety of professional services related to both project development and planning for several new projects. Ed has also assisted with the transition to the new Facilities and Capital Projects Director. We would like to continue to use Ed in this capacity for the remainder of the fiscal year.

Funding in the amount of \$21,000 is requested to extend this contract until June 30, 2013. Since this would bring the funding for the work performed under this contract over the purchase order threshold of \$30,000, we are seeking approval of this extension by the Mayor and City Council. The funding for this contract is available in the Operating Budget.

.

DESIRED OUTCOME:

Vote on Resolution

Resolution Request Form

REQUEST FORM FOR RESOLUTIONS PERTAINING TO EXPENDITURES FROM THE CITY BUDGET (CONTRACTS/PURCHASES, TRANSFER FUNDS)

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: James D. Arnoult

Date of City Council Meeting: March 4, 2013

AUTHORIZING

Purchase _____ Extend Contract X Transfer Funds _____ Negotiate / Execute a Contract _____

RFP / IFB INFORMATION:

Advertisement Date N/A

Newspaper(s) N/A

Bids Received (date) N/A

DESCRIPTION OF ITEM(S):

(Be specific; include quantity, item name, model number, etc.)

Provide comprehensive professional services in support of the Capital Projects and Facilities Division during the transition to a new Director of the Division

CONTRACTED/PURCHASE FROM:

Company Name: Vincent E. Mandley

Street Address: 9906 Broad Street

P. O. Box Number: _____

City/State/Zip: Bethesda, Maryland 20814

CONTRACT/PURCHASE AMOUNT: \$21,000

Check One: In the Estimated Amount of _____ Not to Exceed X

FUNDS TO BE EXPENDED

FROM: Operating Budget X Capital Improvements Budget _____
1150 – 536000 Note bottom line - cost will be offset by savings in operating expenditures

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS

Available ✓ _____ Not available _____

[Signature]
Finance Dept.

2/22/13
Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO EXTEND A CONTRACT
FOR COMPREHENSIVE PROFESSIONAL SERVICES TO PROVIDE
PROGRAM SUPPORT FOR THE CAPITAL PROJECTS AND
FACILITIES DIVISION OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, Section 57 of the City Charter provides that the City Council may permit negotiations of contracts without sealed bids for products and services, where in the opinion of the Council, the interests of the City would be best served by negotiated contracts; and

WHEREAS, The City of Gaithersburg desires to extend a contract to provide program support for the Capital Projects and Facilities Division during the transition to a new Director for the Division:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and is hereby authorized to extend a contract with Vincent E. Mandley, 9906 Broad Street, Bethesda Maryland 20814, in the amount of Twenty-One Thousand Dollars (\$21,000) for comprehensive professional services to support the Capital Projects and Facilities Division of the Public Works Department; said funds to be expended from the Operating Budget.

ADOPTED by the Mayor and City Council this 4th day of March, 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 4th day
of March, 2013.

Tony Tomasello, City Manager

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

James D. Arnoult

RESPONSIBLE STAFF:

James D. Arnoult
Ollie K. Mumpower

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
X	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teacher's Way Construction Materials Testing and Inspection Services

SUPPORTING BACKGROUND:

The Teacher's Way construction project requires construction materials testing (laboratory and field) and inspection services that are fully recognized and accepted by the Maryland State Highway Administration.

Montgomery County, Maryland awarded a contract (#8504510039-CF) to Johnson, Mirmiran & Thompson, Inc., for these services and is currently using them to perform this work.

Based on this information, staff is recommending that the City piggyback on this contract to perform these services for the City in an amount not to exceed \$46,427.00.

Funds are available within the Capital Improvement (CIP) Budget.

DESIRED OUTCOME:

Vote on Resolution

Resolution Request Form

REQUEST FORM FOR RESOLUTIONS PERTAINING
TO EXPENDITURES FROM THE CITY BUDGET
(CONTRACTS/PURCHASES, TRANSFER FUNDS)

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: James D. Arnoult

Date of City Council Meeting: March 4, 2013

AUTHORIZING

Purchase _____ Award Contract X Transfer Funds _____ Negotiate / Execute a Contract _____

RFP / IFB INFORMATION:

Advertisement Date N/A

Newspaper(s) N/A

Bids Received (date) Montgomery County Contract
8504510039-CF

DESCRIPTION OF ITEM(S):

(Be specific; include quantity, item name, model number, etc.)

Construction materials laboratory testing and field inspection services

CONTRACTED/PURCHASE FROM:

Company Name: Johnson, Mirmiran & Thompson, Inc.

Street Address: 72 Loveton Circle

P. O. Box Number: _____

City/State/Zip: Sparks, MD 21152

CONTRACT/PURCHASE AMOUNT: \$ 46,427.00

Check One: In the Estimated Amount of _____ Not to Exceed ✓

FUNDS TO BE EXPENDED FROM: Operating Budget _____ Capital Improvements Budget ✓

Account Number: Teachers Way CIP #07-2 Org: 3312 Object: 598000 Project: 07-2

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS Available ✓ Not available _____

[Signature]
Finance Dept.

2/27/13
Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT
FOR THE TEACHER'S WAY CONSTRUCTION
MATERIALS TESTING AND INSPECTION SERVICES

WHEREAS, Section 57 of the City Charter provides that the City Council may permit negotiations of contracts without sealed bids for products and services, where in the opinion of the Council, the interests of the City would be best served by negotiated contracts; and

WHEREAS, it has been determined the City would like to enter into a contract for the Teacher's Way Construction Materials Testing and Inspection Services; and

WHEREAS, the City wishes to participate in Montgomery County contract #8504510039-CF, for this work:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and hereby is authorized to award a contract for these services with Johnson, Mirmiran & Thompson, Inc., 72 Loveton Circle, Sparks, Maryland, 21152, in the amount of Forty-Six Thousand Four Hundred Twenty-Seven Dollars (\$46,427); said funds to be expended from the Capital Improvements Budget.

ADOPTED by the Mayor and City Council this 4th day of March, 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 4th day
of March, 2013.

Tony Tomasello, City Manager

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

James D. Arnoult

RESPONSIBLE STAFF:

James D. Arnoult

Ollie Mumpower

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
X	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the 2013 Green Street Retrofit

SUPPORTING BACKGROUND:

On January 10, 2013, Invitation to Bid #2013-004 for the 2013 Green Street Retrofit was advertised on the City of Gaithersburg website and on *eMaryland Marketplace*.

The following bids were received on February 1, 2013:

Olney Masonry Corporation	\$ 74,900.00
Arthur Construction Co., Inc.	\$ 124,973.00
Landscape Enterprises, Inc.	\$ 139,082.66
Environmental Quality Resources, LLC	\$ 148,978.57
Stormwater Maintenance, LLC	\$ 152,603.28
Fort Myer Construction Corporation	\$ 153,421.00
Accubid Civil Construction, Inc.	\$ 155,025.00

The Engineer's estimate was \$113,901.00.

Staff recommends award to the low bidder, Olney Masonry Corporation, in the amount of \$74,900 with an additional \$11,235 (approximately 15%) be encumbered for unforeseen contingencies for a total of \$86,135.

The funding for this project is available in CIP 82-1 Stormwater Management and Storm Drainage.

DESIRED OUTCOME:

Vote on Resolution

Resolution Request Form

REQUEST FORM FOR RESOLUTIONS PERTAINING
TO EXPENDITURES FROM THE CITY BUDGET
(CONTRACTS/PURCHASES, TRANSFER FUNDS)

(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)

Requested by: James D. Arnoult

Date of City Council Meeting: March 4, 2013

AUTHORIZING

Purchase _____ Award Contract X Transfer Funds _____ Negotiate / Execute a Contract _____

RFP / IFB INFORMATION:

Advertisement Date January 10, 2013

Newspaper(s) None (advertised on the City's website and in an issue of eMaryland Marketplace)

Bids Received (date) February 1, 2013

DESCRIPTION OF ITEM(S):

(Be specific; include quantity, item name, model number, etc.)

Install Green Street Facilities on Victory Farm Drive, Cedar Avenue and Dosh Drive. This includes removal of existing pavement and curb, installation of planting media, gravel, sand, etc., and regrading as needed.

CONTRACTED/PURCHASE FROM:

Company Name: Olney Masonry Corporation

Street Address: 6701 Ammendale Road

P. O. Box Number: _____

City/State/Zip: Beltsville, MD 20705

CONTRACT/PURCHASE AMOUNT: \$74,900 with a \$11,235 contingency

Check One: In the Estimated Amount of ✓ Not to Exceed _____

FUNDS TO BE EXPENDED FROM: Operating Budget _____ Capital Improvements Budget ✓

Account Number: Stormwater Management & Storm Drainage, CIP #82-1, Org: 3312
Object: 598000, Project: 82-1

(For Finance Department use only; not to be included in the Resolution)

VERIFICATION OF AVAILABILITY OF FUNDS Available ✓ Not available _____

[Signature]
Finance Dept.

2/27/13
Date

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT FOR THE 2013 GREEN STREET RETOFIT

WHEREAS, an Invitation to Bid for the 2013 Green Street Retrofit was duly advertised on January 10, 2013, on the City's website and in an issue of *eMaryland Marketplace*, and sealed bids were opened and tabulated on February 1, 2013; and

WHEREAS, the Mayor and Council have determined to award a contract for the work to the lowest qualified bidder meeting City specifications:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and hereby is authorized to award a contract for the 2013 Green Street Retrofit to Olney Masonry Corporation, 6701 Ammendale Road, Beltsville, Maryland 20705, in the estimated amount of Seventy-Four Thousand Nine Hundred Dollars (\$74,900), with a construction contingency of Eleven Thousand Two Hundred Thirty-Five Dollars (\$11,235), for a total of Eighty-Six Thousand One Hundred Thirty-Five Dollars (\$86,135); said funds to be expended from the Capital Improvements Budget.

ADOPTED by the Mayor and City Council this 4th day of March 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 4th day
of March 2013.

Tony Tomasello, City Manager

Presentations

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

Jeannette Mendonca, Executive Director of Hospice Caring, Inc.

RESPONSIBLE STAFF:

Michele Potter, Director of Parks, Recreation and Culture

AGENDA ITEM:

(please check one)

<input checked="" type="checkbox"/>	Presentation (5 minutes)
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

2012 Overview and Upcoming Projects and Events of Hospice Caring, Inc.

SUPPORTING BACKGROUND:

On behalf of Hospice Caring, Inc., Jeannette Mendonca, the Executive Director, would like to personally thank the Mayor and City Council for their unwavering support.

Jeannette will provide a brief overview of successes in 2012 as well as wonderful initiatives planned for 2013.

The presentation will highlight the following:

An Alzheimer's Dementia Initiative

One of nine DC metro nonprofits to be profiled as a Volunteer Engagement Star in the Center for Non Profit Advancement

Volunteer base of over 435 volunteers recognized by a Governor's certificate of appreciation

Gardens at the Cottage include the Indoor Memorial Garden and a proposed Children's Garden

Services provided to the community

DESIRED OUTCOME:

Hear Presentation

Public Comments

From the Mayor and
City Council

Announcements

Appointments

EXECUTIVE SESSION ANNOUNCEMENT

Notice to the general public is hereby given that the Mayor and City Council of Gaithersburg plans to conduct a closed executive session immediately following its scheduled regular meeting on Monday, March 4, 2013, at City Hall. The meeting is proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topics to be discussed are potential litigation. The closed executive session will be conducted pursuant to a motion properly adopted during the session of the Mayor and City Council on Monday, March 4, 2013.



MEMORANDUM TO: Mayor and City Council
City Manager Tomasello
Interested Parties

FROM: Municipal Clerk Stokes

DATE: February 27, 2013

SUBJECT: Topic of Work Session

Meetings begin at 7:30 p.m. in the Council Chambers at City Hall, unless otherwise noted.

Monday, March 11, 2013

A. Receive Updates on Proposed Changes to Large City Events.

This agenda is subject to change. Mayor and City Council Meetings are broadcast Live on Comcast Channel 13, RCN Channel 13 and Verizon FiOS Channel 25 within the City of Gaithersburg limits. Replays of the meeting air daily at 7 a.m. and 7 p.m. Live and archived meetings can be viewed on the internet at www.gaithersburgmd.gov/tv. Meetings are also broadcast live county wide on Comcast Channel 190.

Receive City agendas, minutes and news via e-mail.
Log on to the myGaithersburg e-mail-based news service at
www.gaithersburgmd.gov/myGaithersburg

THE NEXT REGULAR MEETING OF THE MAYOR AND CITY COUNCIL
WILL BE HELD MONDAY, MARCH 18, 2013, 7:30 P.M. AT THE
CITY HALL COUNCIL CHAMBERS, 31 SOUTH SUMMIT AVENUE

TO CONFIRM ACCESSIBILITY ACCOMMODATIONS,
PLEASE CONTACT DORIS STOKES AT CITY HALL, 301-258-6310

UPCOMING COUNCIL MEETING AND WORK SESSION ITEMS

This list is not all-inclusive, and does not reflect priorities or scheduling

But is intended to provide a glance at future items to come before the City Council.

Regular Meeting of the Mayor and City Council

Mar 18	-	Appointments	-	Various Committees
		Presentation	-	GREAT Award for Fields Road Elementary School
		Ord., Res., Regs.	-	Resolution Designating Polling Places
		Public Hearing	-	Ordinance to Amend Chap. 6C of the City Code "Elections"
		Staff Guidance	-	Recommendation for an Opportunity Grant Fund Application

Upcoming Events and Activities – March 2013

Based on the touching true story of an accomplished journalist and his former college mentor, ***Tuesdays with Morrie***, featuring acclaimed actors Paul Morella and Craig Miller, takes center stage at the Arts Barn weekends through March 24th.

Gaithersburg's **13th Annual St. Patrick's Day Parade** kicks off on Saturday, March 16th at 10 a.m. at Washingtonian Center. Enjoy Celtic dancing, bagpipe bands, fire trucks, clowns and more. Family activities take place by the lake afterwards.

Experience extraordinary music from gifted musicians at the **10th Annual Young Artist Award Concert** on March 16th at 7:30 p.m. at the Rosborough Cultural Arts Center at Asbury Methodist Village. The program is jointly hosted with the Kentlands Community Foundation.

Youngsters are invited to dress up in fancy spring attire for the annual **Bunny Tea** at Kentlands Mansion on Sunday, March 17th at 1:30 p.m.

Shop for bargains galore in indoor comfort at the **Gaithersburg Indoor Flea Market** on Saturday, March 23rd from 9 a.m. to 2 p.m. in Building 6 at the Montgomery County Fairgrounds. Admission is free.

Plan your dream wedding all in one place at the **Kentlands Mansion Spring Bridal Showcase** on Sunday, March 24th from noon to 4 p.m.

The City invites you to celebrate and improve the environment during **Green Week**, April 2nd through 12th. Activities include environmental awards, a free screening of the movie "People of a Feather" and a Community Green Up day. For a full schedule visit www.gaithersburgmd.gov/environment.

The Mayor and City Council will host the annual **State of the City** address on Thursday, April 11th from 6:30 to 8:45 p.m. at the Rosborough Cultural Arts Center at Asbury Methodist Village. Reservation information will be available soon on the City's website.

More information for all of these events, including hours, admission fees, and ticket purchase, is available at www.gaithersburgmd.gov.

**MAYOR AND CITY COUNCIL MEETING
MONDAY, MARCH 4, 2013**

**ANNOUNCEMENT
BOARDS, COMMISSIONS, AND COMMITTEES**

The Mayor and City Council are seeking members to serve on a number of City Committees. Joining a City committee is a way to get involved and help your community.

The following committees have vacancies:

Community Advisory Committee

Cultural Arts Advisory Committee (and Subcommittees)

Art in Public Places Committee

Olde Towne Advisory Committee

Environmental Affairs Committee

Educational Enrichment Committee

Multicultural Affairs Committee

If you are interested in serving on any of the above listed committees, please send (via USPS Mail) a letter of interest and a resume to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaithersburgmd.gov. For more information contact Monica Sanchez at 301-258-6310.

ANNOUNCEMENT

March 4, 2013

The Mayor and City Council are seeking members to fill one (1) vacancy on the Ethics Commission for one (1) alternate position.

The Ethics Commission works in conjunction with the City's Department of Legal Services. The Commission oversees the annual review of financial disclosure and conflict of interest forms completed by City officials, employees, and members of boards and commissions, as well as requests for advisory opinions and complaints of violations of the ethics laws.

The Board consists of three (3) full members and one (1) alternate who are appointed by the Mayor with the approval of the City Council. Members serve staggered, three-year terms and meet as needed.

All applicants must reside within the corporate City limits.

Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaithersburgmd.gov.

This position will remain open until filled.

For more information visit the City's web site at www.gaithersburgmd.gov or contact City Attorney Lynn Board at 301-258-6310.

From the City Manager

Economic Development Update

Ordinances, Resolutions, and Regulations

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

Lynn Board, City Attorney

RESPONSIBLE STAFF:

Lynn Board, City Attorney

Tony Tomasello, City Manager

John Schlichting, Director of PCA

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing -JOINT
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other: Staff Guidance

PUBLIC HEARING HISTORY:

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Resolution of the Mayor and City Council Authorizing the City Manager to Execute a Sixth Amendment to Annexation Agreement (X-129) for the MedImmune Properties

SUPPORTING BACKGROUND:

The City annexed approximately 212 acres of land into its corporate boundaries in 1982 (X-129) and entered into an Annexation Agreement with General Electric Information Services Company, the owner of the property at that time, for development of the annexed lands. This Annexation Agreement has been amended five times since the original Agreement, with the most recent amendment occurring in 2002.

MedImmune, the current owner of approximately 62.6 acres of the land within the annexed area, is seeking a Sixth Amendment to Annexation Agreement in order to amend the conditions under which the MedImmune Properties may be developed in the future. A Draft Amendment was presented to the Mayor and Council on February 19, 2013, at which time a Resolution was approved granting the City Manager the authority to negotiate the Sixth Amendment and providing for a public comment period. Attached is an updated Sixth Amendment to Annexation Agreement.

DESIRED OUTCOME:

Vote on Resolution

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO EXECUTE A SIXTH AMENDMENT TO THE ANNEXATION
AGREEMENT WITH MEDIMMUNE

ANNEXATION X-129

WHEREAS, on October 22, 1982, the City of Gaithersburg entered into an annexation agreement to annex approximately 212 acres of land into its corporate boundaries with the General Electric Information Services Company, the owner of the property at that time of development; and

WHEREAS, this Annexation Agreement has been amended five times since the original Agreement, with the most recent amendment occurring in 2002; and

WHEREAS, the City and MedImmune, the current owner of the property, believe it is desirable to amend the terms of the existing annexation agreement; and

WHEREAS, the Mayor and City Council of the City of Gaithersburg have determined that it is desirable to negotiate terms and conditions in connection with Annexation X-129:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, that the City Manager be and is hereby authorized to execute a sixth amendment to the annexation agreement with MedImmune.

ADOPTED by the City Council this 4th day of March, 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 4th day of March, 2013.

Tony Tomasello, City Manager

SIXTH AMENDMENT TO ANNEXATION AGREEMENT
(X-129)

THIS SIXTH AMENDMENT TO ANNEXATION AGREEMENT (“Amendment”), is made this _____ day of _____ 2013, by and between the CITY OF GAITHERSBURG, MARYLAND, a municipal corporation of the State of Maryland, (hereinafter referred to as “City”), and MEDIMMUNE, LLC, a Delaware limited liability company and successor to MedImmune, Inc., a Delaware corporation (“MedImmune”).

RECITALS:

WHEREAS, MedImmune is the fee simple owner of approximately sixty-two and 6/10ths (62.6) acres of land located in the City of Gaithersburg, identified as follows:

- 101 Orchard Ridge Drive (Parcel N295, the “Summit”, 8.42 acres);
- 200 Orchard Ridge Drive (Parcel N254, part of the “Ridges”, 9.07 acres);
- 1 MedImmune Way (Parcel N454, part of the “Ridges”, 22.8 acres);
- Quince Orchard Road (Parcel N432, part of the “Ridges”, 4.92 acres); and
- Quince Orchard Road (Parcel N550, the “Meadows”, 17.39 acres);

(collectively, the “MedImmune Properties”); and

WHEREAS, the MedImmune Properties constitute a portion of the approximately 212 acres of land annexed into the City of Gaithersburg pursuant to Annexation Agreement X-129 between the City of Gaithersburg and the General Electric Information Services Company dated October 22, 1982 (the “Agreement”); and

WHEREAS, the Agreement has been amended five times as follows:

1. August 5, 1991, the First Amendment

2. March 19, 1996, the Second Amendment
3. September 15, 1998, the Third Amendment
4. March 11, 2002, the Fourth Amendment, and
5. March 11, 2002, the Fifth Amendment

(the Agreement together with the first five amendments, the “Annexation Agreement”);

and

WHEREAS, the parties desire to amend the Annexation Agreement to establish the conditions under which the MedImmune Properties may be developed in the future; and

WHEREAS, Gaithersburg has found and determined that an amendment to the Annexation Agreement will (i) promote the guiding strategies of the City of Gaithersburg 2009 Process & Overview Element of the City’s Master Plan (2009 Master Plan); (ii) encourage efficient and effective delivery of public services and placement of public facilities; and (iii) promote the public interest.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which shall be deemed a part of this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties covenant and agree as follows:

1. Future Development of MedImmune Properties. The parties agree that the MedImmune Properties are no longer subject to the square footage limitations (alternatively known as allowable floor area of “Intended Uses” or “Other Uses”) contained in the Annexation Agreement. Except as noted in Paragraph 7, the MedImmune Properties are and remain subject to the density and intensity of development provisions contained in the Mixed Use Development (MXD) Zone, Chapter 24 of the Code of the City of Gaithersburg, Article III, Division 19, Section 24-160D.1, et seq. (the “MXD Zone”), as the MXD Zone provisions exist and are in

effect at the time of this Amendment, unless, and to the extent that, those provisions are amended in the future so as to allow greater density and intensity of development than is allowed as of the date of this Amendment. The City further acknowledges and agrees that the development density to be permitted on the MedImmune Properties in accordance with this Amendment shall not be reduced as a result of any dedications, reservations and/or acquisitions for public use, if any, and shall be and remain based on the area of the MedImmune Properties prior to any such dedications, reservations and/or acquisitions, including the proposed dedication of open space/parkland described in Paragraph 9, below. The City further acknowledges and agrees that the overall development density allowed on the MedImmune Properties based on the MXD Zone, and any potential transfer of density from the City-owned properties, as described in Paragraph 2 below, can be distributed among the individual properties that comprise the MedImmune Properties without a maximum density limitation on any individual property, except for limitations on the Meadows Property described in Paragraph 4.

2. Transfer of Density from City-owned Properties. MedImmune may seek, and the City shall allow, the transfer to MedImmune of density up to a floor area ratio of 0.75 from the approximately 11.7 acres of City-owned properties adjoining the MedImmune Properties, identified as follows:

- Parcel P623, Pt. Parcel “A”, 0.1 acres;
- Parcel N595, Pt. Parcel “A”, 1.63 acres;
- Parcel N489, Pt. Parcel “A”, 1.52 acres; and
- Parcel N600, Pt. Parcel “A”, 8.43 acres.

MedImmune may apply any such density transfer towards development on any or all of the MedImmune Properties, except for limitations on the Meadows Property described in Paragraph

4. In the event MedImmune does not achieve the density that it requires, MedImmune may seek a Mayor and City Council resolution to waive any floor area ratio development standards as permitted by the City Zoning Ordinance at the time of development application.

3. Access Easement over City-owned Properties. MedImmune may seek, and the City shall allow, any ingress/egress easements over City-owned properties, particularly Parcel N489, to provide reasonable pedestrian and vehicular access between MedImmune Properties.

4. Development Density and Setback Requirements on Meadows Property.

MedImmune will concentrate a greater share of any future additional square footage on the Summit and/or Ridges portions of the MedImmune Properties, as opposed to the Meadows Property, as shown on the draft concept “bubble plan” attached hereto as Attachment A.

MedImmune will limit development on the Meadows Property to 300,000 square feet of building area intended for occupancy and use as lab/office use (not including mechanical space, elevator shafts and stairwells, covered parking, or space below grade, unless the below grade space is intended for use and occupancy) and to a maximum height of five stories. To ensure compatibility with adjoining residential uses further, surface parking spaces shall have a minimum 50 foot setback and buildings and structured parking shall have a minimum 100 foot setback from the Orchard Ridge Drive right of way/Meadows Property property line, as that property line exists as of the date of this Amendment. At the time that MedImmune exercises development rights on the Meadows, MedImmune will provide trees, vegetation and adequate screening along the Orchard Ridge Drive property line to aid as a visual barrier between the future development and the residences across Orchard Ridge Drive. Vehicular and pedestrian ingress and egress will be permitted within these setback areas. Except for these limitations on the Meadows Property, the draft concept “bubble plan” reflects conceptual future development

on the MedImmune Properties only. To assist the City and community with on-street parking demand along Orchard Ridge Drive, MedImmune will contribute up to a maximum of three hundred fifty thousand dollars (\$350,000.00) (or the actual cost, whichever is less) to be applied towards the cost of providing up to twenty (20) additional on-street parking spaces along the residential side of Orchard Ridge Drive. Said contribution shall be made within ninety (90) days from the approval of this Agreement. MedImmune's responsibility is for payment only, and MedImmune will not be responsible for any design or construction of the spaces.

5. Right to Develop MedImmune Properties. The City agrees that, subject to compliance with applicable laws and regulations, MedImmune has the right to develop the MedImmune Properties in substantial conformance with this Amendment. The concept "bubble plan" attached hereto as Exhibit A shall constitute an approved sketch plan for the MedImmune Properties. The City further agrees that if otherwise in compliance with the City's subdivision and zoning laws and findings required for the MXD zone, it will approve plans, including sketch plans, schematic development plans, site plans, and record plats, and all other required development approvals and permits to permit the development, construction, and occupancy of future buildings on the MedImmune Properties that are in substantial conformance with this Amendment. Future applications will be reviewed and approvals will be made in accordance with the subdivision and zoning laws and regulations as they are in effect at the time of application(s) submittal(s). MedImmune will be given priority permit review. Revisions to the City's master plans shall not alter the terms of and conditions of this Amendment, even if a revised master plan is inconsistent with this Amendment. The City will not change the zoning of MedImmune properties without MedImmune's consent.

6. Approval, Fees, Processes and Regulations. MedImmune shall be subject to all

development permit approvals, fees, processes and regulations, except as otherwise provided herein.

7. Section 24-160D.3(b)(2) Not Applicable. The MedImmune Properties are not subject to Section 24-160D.3(b)(2) of the City Zoning Ordinance (maximum percentages of various uses).

8. Rezoning of Summit Property. MedImmune shall seek to rezone the Summit Property from the current I-3 Zone to the MXD Zone prior to or concurrent with any development application submitted for density greater than the currently permitted 1.95 million square feet. The City acknowledges that MXD zoning of the Summit Property is in conformance with the Master Plan and, subject to compliance with the provisions of Chapter 24 of the City Code, is an appropriate zoning classification of the Property. The City further agrees that the density and intensity of development calculations under City Code Section 24-160D.4 related to any subsequent MedImmune development plan will presume successful rezoning of the Summit Property. The City acknowledges that the Summit Property satisfies the MXD Zone development standards and that no further dedications, requirements, or compliance with development standards are necessary to accomplish the rezoning.

9. Dedication of Portion of Meadows Property for Open Space/Parkland. At a mutually agreeable time in 2013, MedImmune will dedicate and Plat a portion of the Meadows Property, approximately 6.5 acres in size, to the City for open space/parkland, in the approximate location as shown on Attachment B. MedImmune may count the density available from that property towards future development on any or all of the other MedImmune Properties. MedImmune and the City may discuss any additional conditions in connection with the

dedication such as naming rights for any recreational facilities. On or before dedication, MedImmune will pay \$200,000.00 to the City for use in preparing the dedicated land for use as open space/parkland.

10. Payment for Transportation Network Improvements. MedImmune will be responsible, at its expense, for any transportation improvements necessary to accommodate any future development on the MedImmune Properties within the general boundaries of the MedImmune and Quince Orchard Park Properties, as reflected on Attachment C. Given the prior dedications under the Annexation Agreement, MedImmune may be allowed to develop up to 138,518 square feet of new building area without any further dedication requirements or any payment for transportation network improvements. For any additional development that exceeds 138,518 square feet of new building area, MedImmune will pay to the City \$4.00 for each square foot of approved building area intended for occupancy and use (not including mechanical space, elevator shafts and stairwells, covered parking, or space below grade, unless the below grade space is intended for use and occupancy), for which a building permit is issued by the City. MedImmune will make the transportation network improvements payment at time of issuance of Final Site Plan approval for any such building area that is subject to the payment. Such payment is for any and all transportation network improvements outside of the area depicted on Attachment C and will be in lieu of any and all other potential transportation improvement requirements, outside of the area depicted on Attachment C, required under the City's Adequate Public Facilities Ordinance or otherwise. The City agrees that all payments received shall be used for transportation network improvements not included in the area shown on Attachment C that, to the greatest extent possible, enhance safety around the MedImmune Properties and directly benefit the general transportation area surrounding the MedImmune Properties. First

priority for application of payment funds shall be given to projects, roadways, and intersections that enhance safety and directly adjoin or benefit the MedImmune Properties. MedImmune will not be responsible for designing or managing any transportation network improvement projects outside of the area shown on Attachment C. In the event that Montgomery County increases the County transportation impact tax payment for bioscience facilities (currently at zero) and if those tax revenues are provided to the City, then that portion of any transportation network improvements payment made pursuant to this paragraph that is equivalent to impact tax paid shall be reimbursed by the City to MedImmune as a credit to any such County transportation impact tax.

11. No Further Adequate Public Facilities Requirements. The City agrees that no further analysis, studies, or conditions, other than those provided in paragraph 10, above, pursuant to the Gaithersburg Zoning Ordinance, Gaithersburg Subdivision Regulations, City Code, or otherwise, shall be or may be required to evaluate the adequacy of roads or transit and that no other roadway improvements shall be required by the City to support future development on the MedImmune Properties.

12. Pedestrian Bridge. Based on conditions to be determined by separate agreement, MedImmune will provide funding of up to \$4,000,000.00 (Four Million Dollars) to support the design and construction of a pedestrian bridge crossing Great Seneca Highway to assist with pedestrian circulation around the MedImmune Properties and surrounding communities. The alignment and layout of bridge shall be coordinated, to the extent possible, with, but shall not be contingent upon the Corridor Cities Transitway (CCT) project and design and implementation will commence no later than December 31, 2023. The bridge will be designed and used for pedestrian/bicycle traffic only and will not be open to motorized vehicular traffic. The

aesthetics, design, and construction of the bridge will be comparable to the high design standards displayed within the MedImmune Properties. MedImmune will not be responsible for designing or managing construction of the pedestrian bridge, but will be given the opportunity in advance to review and comment on the design of the bridge. Design of the bridge assumes that it will be located north of the Great Seneca Highway/Kentlands Boulevard/Orchard Ridge Drive intersection.

13. Parking Requirement. The parking requirement on the MedImmune Properties shall be one (1) space for every 400 square feet of gross floor area for all existing and future development. This parking provision does not transfer to any subsequent owner in the event MedImmune sells the MedImmune Properties or any portion thereof to an entity unrelated or unaffiliated with MedImmune. In the event MedImmune transfers ownership of the Meadows Property to an entity unrelated or unaffiliated with MedImmune, then the parking requirements for the Meadows shall be the lesser of: (1) the parking regulations in effect at the time of application, or (2) a maximum of one (1) space for every 325 square feet of gross floor area, provided that all parking is accommodated on-site.

14. Validity Period. The terms, conditions and restrictions set forth herein shall be valid and enforceable until January 1, 2053, at which time the Annexation Agreement shall expire and shall thereafter be null, void and unenforceable unless otherwise extended or continued pursuant to a written modification to the Annexation Agreement.

15. Further Actions. The City and MedImmune agree to execute any and all such documents and/or to take such actions necessary to carry out the terms and conditions of this Amendment.

16. Judicial Remedy. Any party to this Amendment may seek relief and remedies in

any court of competent jurisdiction for the breach or default of the provisions of this Amendment by any other party. The non-breaching party or parties shall be entitled to seek all available legal and equitable remedies and relief from the court, including (but not limited to) specific performance, injunctive relief, and damages. The prevailing party or parties in any such litigation shall be entitled to an award of reasonable attorneys' fees, expenses, and court costs.

Notwithstanding anything in this Amendment to the contrary, the rights and remedies provided herein are cumulative and not exclusive, and the failure of a party to exercise any said right or remedy shall not be deemed a waiver or release of any other right or remedy of that party or of any breach or default by the other party.

17. Binding on Successors and Assigns. With the exception of Paragraph 13, the provisions of this Amendment are and shall be deemed to be covenants running with the land and shall be binding upon and inure to the benefit of MedImmune and its respective successors and assigns with an interest in the MedImmune Properties, and upon the City and any successors to the City. The foregoing notwithstanding, the obligations and liabilities of MedImmune shall apply only during the period of time that MedImmune is fee simple owner of the MedImmune Properties or any portion thereof to which any obligations and liabilities may apply. If MedImmune or its successors and assigns convey the respective fee simple interest in the MedImmune Properties, or any portion of the MedImmune Properties, then at the time of conveyance, unless the instrument of conveyance provides otherwise, the transferor automatically shall be relieved of any and all obligations and liabilities under and pursuant to this Amendment with respect to the portion of the MedImmune Properties so conveyed, and the transferee automatically shall assume and take title subject to all of the transferor's obligations and liabilities under and pursuant to this Amendment with respect to the portion of the

MedImmune Properties so conveyed.

18. Amendment. This Amendment may be amended only in writing, signed by (or on behalf of) all parties hereto.

19. Severability. The terms and provisions of this Amendment are severable and in the event that any term or provision of this Amendment is invalid or unenforceable for any reason, the remaining terms and provisions thereof shall remain in full force and effect.

20. Execution and Counterparts. All parties hereto represent and warrant that the individuals executing this Amendment on their behalves have the full and complete authority to execute this Amendment and that the signatures which appear below bind the respective parties to the terms of this Amendment. The City further represents and warrants that it has the legal authority, right, and power to enter into this Amendment and is bound by its terms. This Amendment may be executed in one or more counterparts, each of which shall be an original and all of which together shall constitute a single Amendment. All parties may rely upon a facsimile copy of this Amendment executed by any other party, and such copy of this Amendment shall be deemed an original executed copy for all purposes.

21. Recordation. This Amendment shall be recorded in the Land Records of Montgomery County, Maryland, at MedImmune's expense.

22. Notice. Any notice required to be given by this Amendment shall be sent by electronic mail and by certified mail to the following:

(a) To MedImmune:

Executive Vice President, Operations
MedImmune
One MedImmune Way
Gaithersburg, MD 20878
Fax: 301-398-8505

and

General Counsel
MedImmune
One MedImmune Way
Gaithersburg, MD 20878

(b) To the City of Gaithersburg, Maryland:

Tony Tomasello
City Manager
31 South Summit Avenue
Gaithersburg, MD 20877
Fax No.: _____
ttomasello@gaitersburgmd.gov

with copies to:

Lynn Board, Esq.
City Attorney, City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877
Fax No.: (301) 948-6149
lboard@gaitersburgmd.gov

IN WITNESS WHEREOF, each of the parties hereto has executed and delivered this Amendment as of the date first set forth above, as evidenced by their respective signatures and acknowledgments on the following pages.

WITNESS:

CITY OF GAITHERSBURG, MARYLAND

By: _____

Name: Tony Tomasello

Title: City Manager

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this ____-day of _____, 2013, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Tony Tomasello, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and who acknowledged himself to be the City Manager of the City of Gaithersburg, Maryland, and that such City Manager, being so authorized to do, executed the foregoing Amendment for the purposes therein contained by signing the name of the City.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

WITNESS:

MEDIMMUNE, LLC, a Delaware limited liability company:

By: _____

Name: _____

Title: _____

STATE OF MARYLAND

*

*

to wit:

COUNTY OF MONTGOMERY

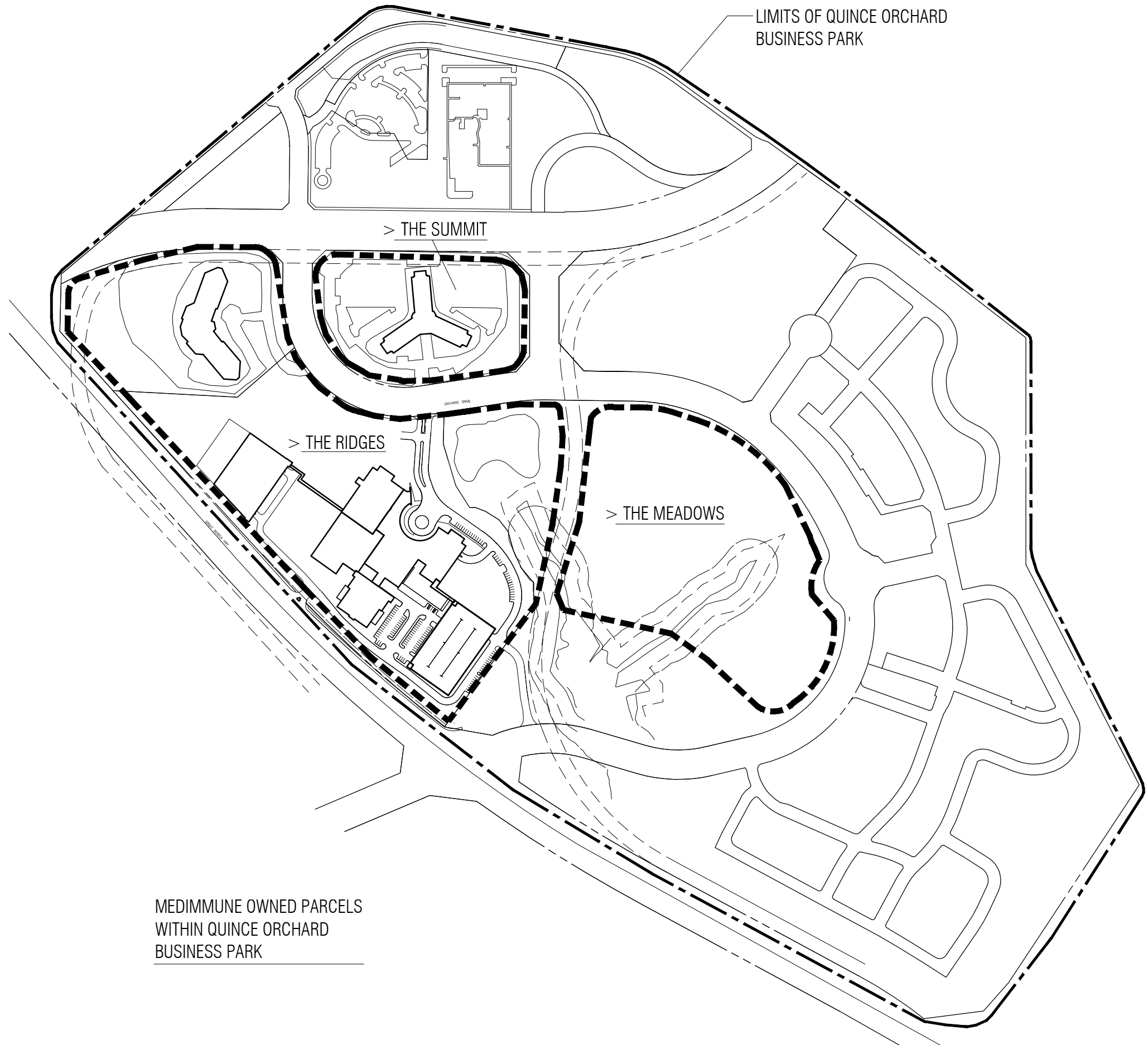
*

On this _____ day of _____, 2013, before the under signed, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above Petition and acknowledged that she/he executed the same for the purposes therein contained. IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

My commission Expires: _____

[NOTARIAL SEAL]



PROPOSED ALLOCATION OF DEVELOPMENT RIGHTS

(BASED ON SKETCH PLAN Z-275C)

> THE RIDGES

- EXISTING BUILT
818,000 SF
OFFICE / LAB
- CURRENT ALLOWABLE
855,000 SF / 4 - 7 STORIES
OFFICE / LAB
- PROPOSED ALLOWABLE
1,200,000 - 2,100,000 SF / 4 - 9 STORIES
OFFICE / LAB

> THE SUMMIT

- EXISTING BUILT
102,000 SF
OFFICE
- CURRENT ALLOWABLE
106,000 SF / 3 STORIES
OFFICE
- PROPOSED ALLOWABLE
106,000 - 440,000 SF / 4 - 7 STORIES
OFFICE / LAB

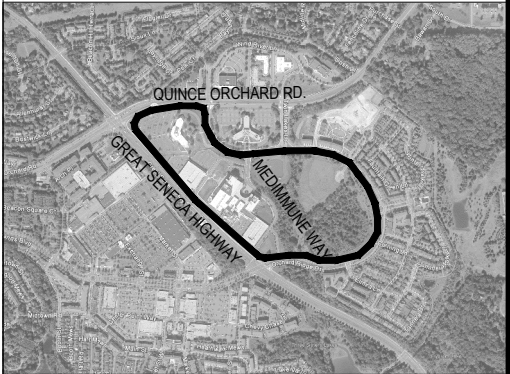
> THE MEADOWS

- EXISTING BUILT
0 SF
- CURRENT ALLOWABLE
150,000 - 325,000 SF / 3 - 8 STORIES
OFFICE / RETAIL
- PROPOSED ALLOWABLE
150,000 - 300,000 SF / 3 - 5 STORIES
OFFICE / LAB

OVERALL PROPOSED DEVELOPMENT

- EXISTING BUILT
920,000 SF
- CURRENT ALLOWABLE
1,111,000 - 1,286,000 SF
- PROPOSED ALLOWABLE
2,426,000 SF

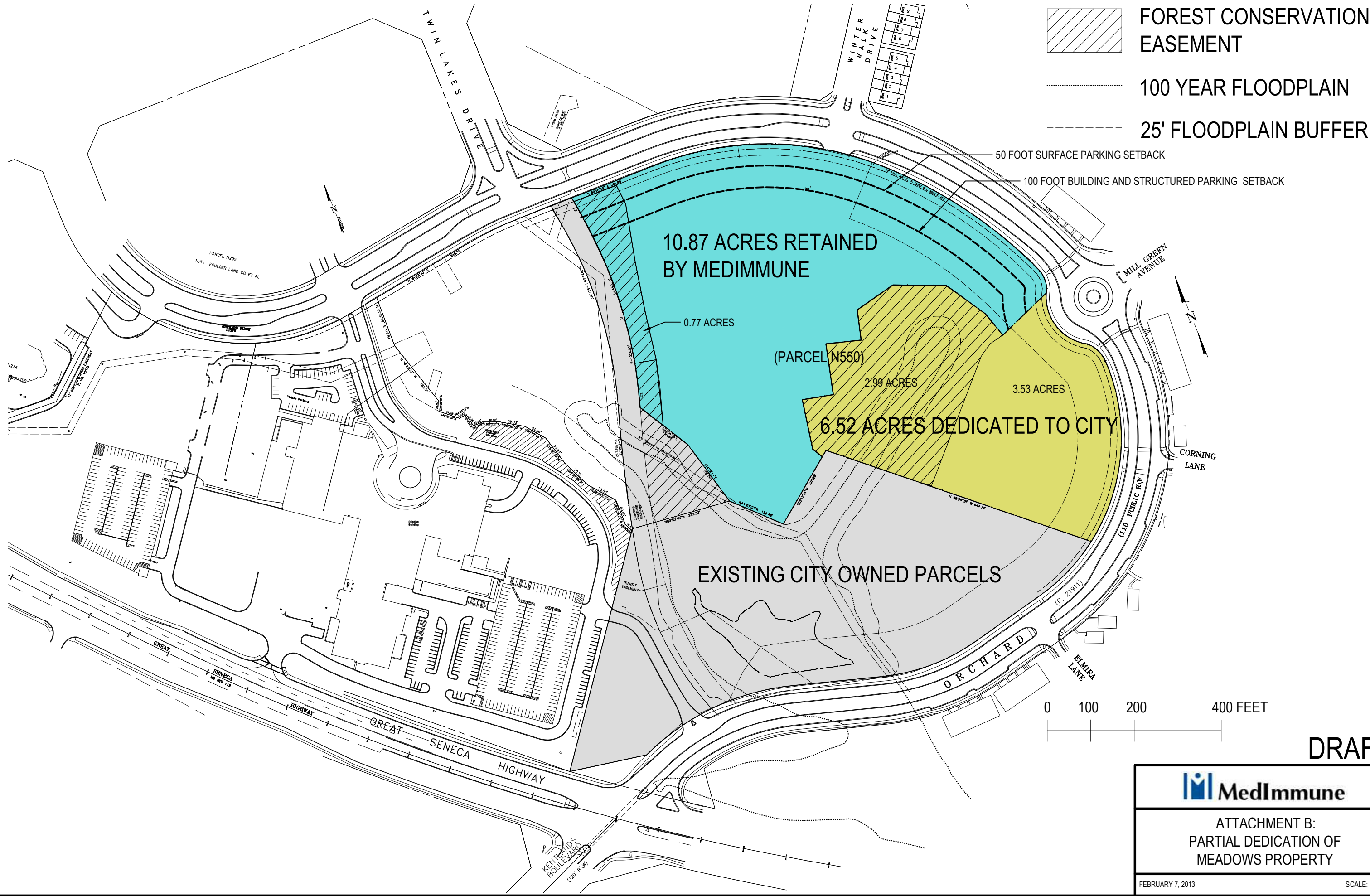
VICINITY MAP

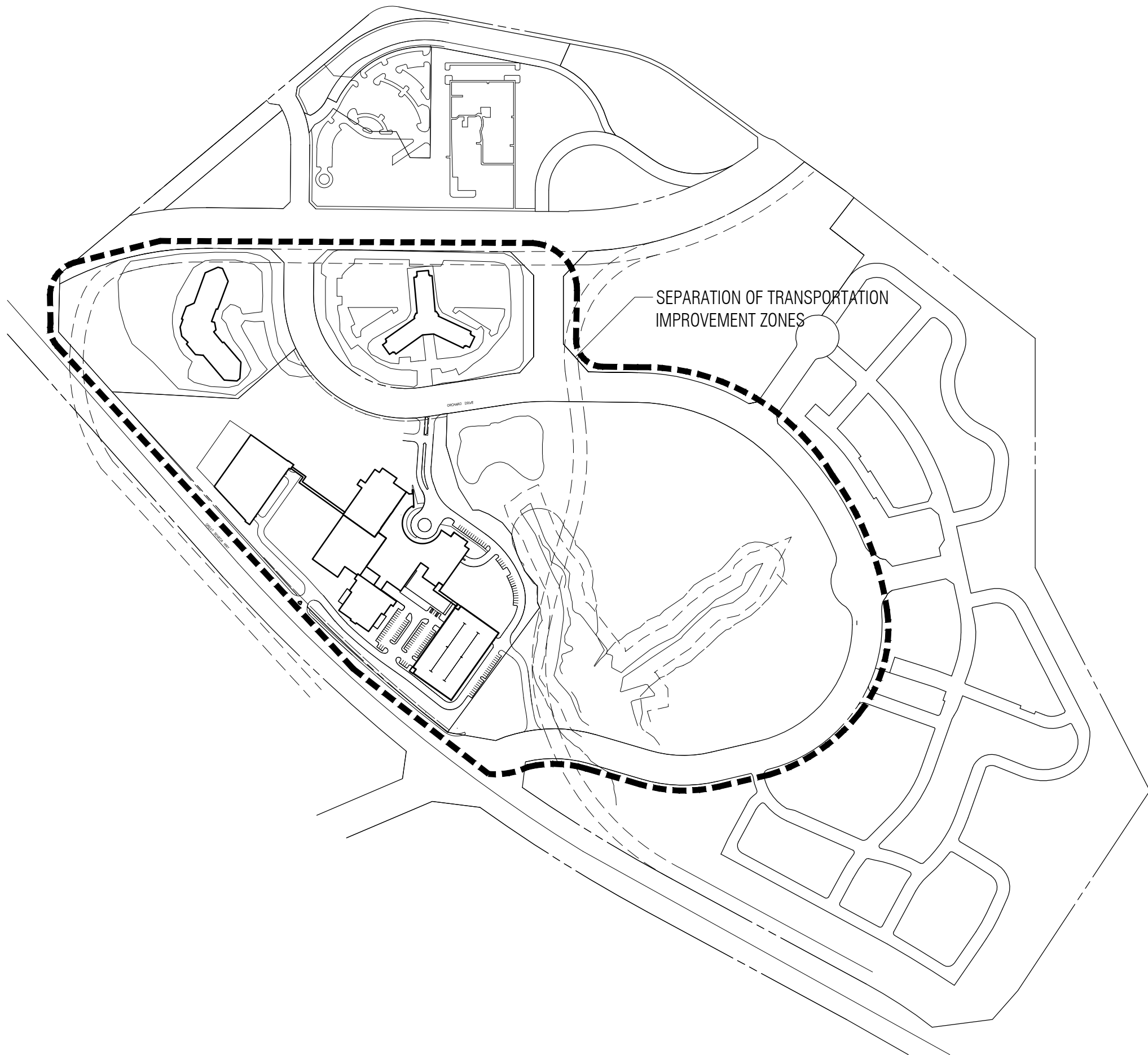


DRAFT



ATTACHMENT A:
CONCEPT BUBBLE PLAN





MEDIMMUNE RESPONSIBLE AT ITS EXPENSE FOR TRANSPORTATION IMPROVEMENT PROJECTS WITHIN THE DELINEATED AREA THAT ARE NECESSARY AS A RESULT OF NEW MEDIMMUNE INITIATED SITE DEVELOPMENT. DELINEATED AREA NOT INTENDED TO INCLUDE PROJECTS WITHIN THE EXISTING RIGHT OF WAY AT THE INTERSECTIONS OF TWIN LAKES ROAD & QUINCE ORCHARD ROAD, ORCHARD RIDGE DRIVE & QUINCE ORCHARD ROAD, QUINCE ORCHARD ROAD & GREAT SENECA HIGHWAY, AND GREAT SENECA HIGHWAY & ORCHARD RIDGE DRIVE. MEDIMMUNE TO CONTRIBUTE A SEPARATE FEE PER AREA DEVELOPED TO THE CITY OF GAITHERSBURG TO ASSIST IN FUNDING THE TRANSPORTATION IMPROVEMENTS AT THESE INTERSECTIONS AND FURTHER OUTSIDE THE DELINEATED AREA.

DRAFT



ATTACHMENT C:
LIMIT OF RESPONSIBILITY FOR MEDI
TRANSPORTATION IMPROVEMENT PROJECTS

FEBRUARY 7, 2013

SCALE: 1"=400'

Lauren Klingler

From: Lauren Klingler
Sent: Wednesday, February 20, 2013 9:56 AM
To: Lauren Klingler

From: Sidney Katz
Sent: Wednesday, February 20, 2013 5:42 AM
To: Thomas Loneragan; John Schlichting; Tony Tomasello; Lynn Board
Subject: Fwd: MedImmune Annexation Agreement

FYI

Sent from my iPhone

Begin forwarded message:

From: Joseph Allen <josephmarkallen@gmail.com>
Date: February 19, 2013, 7:59:12 PM EST
To: Michael Sesma <MSesma@gaithersburgmd.gov>, Ryan Spiegel <RSpiegel@gaithersburgmd.gov>, Cathy Drzyzgula <CDrzyzgula@gaithersburgmd.gov>, Henry Marraffa - External <hmarraffa@starpower.net>, Sidney Katz <SKatz@gaithersburgmd.gov>, Jud Ashman <JAshman@gaithersburgmd.gov>
Subject: MedImmune Annexation Agreement

Mayor and Council,

Thank you to the City and MedImmune on looking to the future and providing guidance on the long term investment by MedImmune in our community.

The proposed annexation update significantly adds to the FAR for the property while concentrating development toward the existing campus.

In an effort to ensure long term compatability with the community and that the investments are made toward the highest benefit, I would suggest the following changes be considered for the agreement:

A traffic analysis is completed prior to signature of the agreement for the maximum FAR under the agreement to ensure that the dollar amount per square foot proposed for transportation improvements is adequate. Also, the funds should be restricted to transportation improvements not as is stated "to the greatest extent possible". Also, a mileage restriction should be placed on the funds so they truly benefit the area impacted by the development.

The pedestrian bridge is too specific and should be instead dedicated to pedestrian improvements that could be a bridge, redesigned interchange or other mechanism. For example, a more complete street solution would be to construct a Town Center Development Interchange or bowtie interchange that allows transit, cars, bikes and pedestrian access. If a bridge, all vehicle traffic should not be banned to ensure bicycles are not prohibited from the design if a bridge is chosen. The provision should read bicycle and pedestrian access.

The assignments of the annexation agreement if parts of the property are sold should be carefully reviewed as it is not clear what responsibility or changes would or would not assign (traffic, "bridge", park, etc)

Mention of complete streets within the MedImmune property, including bike lanes and bike share stations and bike parking provisions should be included.

Again, the City and MedImmune should be applauded for their long range planning and with these suggestions have a strong basis for future strong community relations.

Joe Allen
641B Main St
Gaithersburg, MD 20878

Sent from my iPhone

Lauren Klingler

From: Lauren Klingler
Sent: Wednesday, February 20, 2013 12:05 PM
To: Lauren Klingler
Subject: RE: Amendment to Annexation Agreement (X-129) for the MedImmune Properties

From: Bauer, John [<mailto:John.Bauer@marriott.com>]
Sent: Wednesday, February 20, 2013 11:35 AM
To: Lynn Board
Cc: John Schlichting
Subject: Amendment to Annexation Agreement (X-129) for the MedImmune Properties

Lynn,

A few points on two of the proposed terms (#4 and #7 copied in below):

- Would it be appropriate to note the intent of the The Orchard Ridge Drive parking? I assume it will be along the stretch on either side of the circle (vs. the ends closer to GS Hwy or QO Rd.) so that the residents (maybe) could benefit from it too. But, I'm not sure that is the intent.

- I believe the pedestrian bridge (or tunnel) should proceed as soon as possible and the CCT coordination should be about alignment/layout and NOT construction phasing or timing. Term #7 is not clear, but I think people may interpret that to be timing. If this is contingent on CCT construction, it may not be realized; the pedestrian connection between QO Park/MedImmune and Kentlands Commercial District is a very real need now. Note too, that \$4 million will buy us more sooner rather than later.

Thanks.

John Bauer

"4. Orchard Ridge Drive Parking - MedImmune would contribution up to \$350,000 to assist the City develop additional on-street parking along Orchard Ridge Drive. It is anticipated that 15 – 20 spaces could be accommodated. The City would manage the design and construction of these improvements."

"7. Pedestrian Bridge - MedImmune would contribute up to \$4 million for the design and construction of a pedestrian bridge crossing Great Seneca Highway, provided the project is commenced by December 31, 2023. This construction, to the extent possible, would be coordinated with the CCT."

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

Lynn Board, City Attorney

RESPONSIBLE STAFF:

Lynn Board,
City Attorney

Lauren Klingler,
Legal Assistant

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
<input checked="" type="checkbox"/>	Ordinance - Introduction
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	3.4.13
Advertised	3.5.13
Hearing Date	3.18.13
Record Held Open	
Policy Discussion	

TITLE:

Introduction of an Ordinance to Amend Chapter 6C of the City Code Entitled "Elections," Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting – Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures – Political Committees", and Section 7 Entitled "Time and Manner of Reporting – Political Committees"

SUPPORTING BACKGROUND:

This Ordinance would amend Chapter 6C of the City Code Section 1 Entitled "Elections," amending the definition of a Political Committee and to add a definition of a Slate. The amendment would revise the current definition of a political committee to increase the number of persons from two (2) or more formed in any manner to three (3) or more. The amendment would increase the amount of money collected or expended from Two Hundred Fifty Dollars (\$250.00) to One Thousand Dollars (\$1,000.00). A slate would be defined as two or more candidates who join together to conduct and pay for joint campaign activities.

This Ordinance would also amend Section 5 Entitled "Time and Manner of Reporting – Candidates" to include an additional campaign finance report due fourteen (14) days after the election. Slates would also be subject to the same reporting requirements as are political committees.

These amendments were discussed by the Board of Supervisors of Elections at their meetings on January 16, 2013 and February 21, 2013, and the BOSE is recommending their adoption.

DESIRED OUTCOME:

Staff recommends that the Mayor and City Council vote to introduce the Ordinance, and notify the public that the hearing will be held on March 18, 2013.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 6C OF THE CITY CODE ENTITLED "ELECTIONS," ARTICLE I ENTITLED "IN GENERAL," SECTION 1 ENTITLED "DEFINITIONS" AND ARTICLE II ENTITLED "FINANCIAL CONTRIBUTIONS AND EXPENDITURES," SECTION 5 ENTITLED "TIME AND MANNER OF REPORTING - CANDIDATES", SECTION 6 ENTITLED "REPORTING OF CONTRIBUTIONS AND EXPENDITURES – POLITICAL COMMITTEES" AND SECTION 7 ENTITLED "TIME AND MANNER OF REPORTING – POLITICAL COMMITTEES"

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 6C of the City Code entitled "Elections," Section 1, Section 5 entitled "Time and Manner of Reporting – Candidates", Section 6 entitled "Reporting of Contributions and Expenditures – Political Committees," and Section 7 entitled "Time and Manner of Reporting – Political Committees", are hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 6C-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated unless a contrary meaning is clearly intended from the context in which the term appears:

Board: Board of supervisors of elections for the city.

Candidate: Individual who seeks nomination for election, or seeks election, to city office.

Contribution: A gift, or promise of gift of money, donated to any candidate or representative.

Contributor: Any person who makes a contribution or expenditure, of cash or in-kind contribution, to or on behalf of a candidate.

Election: General, special or recall elections.

Expenditure: Any transfer, disbursement or promise of money or valuable thing (in-kind contribution), by a candidate, treasurer, or other agent of such candidate, or political committee to promote or assist in the promotion of the success or defeat of a candidate or proposition submitted to a vote at any election.

Independent expenditure: A cumulative expenditure of two hundred fifty dollars

(\$250.00) or more by a person to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office that is not coordinated with any candidate or group of candidates.

In-kind contribution: Anything of value, other than a gift or promise of money, donated to any candidate or representative, or a representative of any political committee, to promote or assist any candidate, political committee or proposition submitted to a vote of any election.

Person: A corporation, business, other legal entity or an individual.

Political committee: Any combination of ~~two (2)~~ three (3) or more persons formed in any manner, which independently collects or expends a cumulative amount of ~~two hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1000.00) or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office.

Report: A report of expenditures, loans, and contributions (in-kind or cash) received by any candidate or political committee.

Slate: Two or more candidates who join together to conduct and pay for joint campaign activities.

Surplus campaign funds: Funds left in a candidate's account after the election is certified and all campaign debts, including all loans, have been paid.

Treasurer: Any person appointed by a candidate or political committee to receive or disburse money or other things of value to promote or assist in the promotion of any candidate or proposition.

* * * * *

ARTICLE II. FINANCIAL CONTRIBUTIONS AND EXPENDITURES

Sec. 6C-5. – Time and manner of reporting - Candidates

- (a) The first report of a candidate in a general election shall be filed at the offices of the city board of supervisors of elections on or before the last day to file for elected office.
- (b) The second report of such a candidate shall be filed with the board twenty-nine (29) days before the election.
- (c) The third report of such a candidate shall be filed with the board fifteen (15) days before the election.
- (d) The fourth report of such a candidate shall be filed with the board eight (8) days before the election.

~~(d)~~(e) The fifth report of such a candidate shall be filed with the board fourteen (14) days after the election.

~~(e)~~(f) The next report of every candidate in a general election, whether elected or not, shall be filed on the last day of the month following the month in which the general election was conducted.

~~(f)~~(g) Thereafter, every candidate shall annually file by December 31st a report of any contributions received or expenditures made by the candidate or any other person on the candidate's behalf from the day of filing of the last prior report and any balance remaining in the account. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account.

~~(g)~~(h) The first report filed by any candidate shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made since the date of this last prior report, through the day immediately preceding the date of the filing of such first report. Each subsequent report by any candidate shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.

~~(h)~~(i) The Board of Supervisors of Elections may extend the filing deadline of any report required by this section due to exigent circumstances.

~~(i)~~(j) Every such report shall be available for inspection by any person at the city offices during regular business hours.

~~(j)~~(k) If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.

~~(k)~~(l) Any candidate who shall fail to timely file a report required by this section shall be subject to a fine of One Hundred Dollars (\$100.00).

Sec. 6C-6. - Reporting of contributions and expenditures—Political committees and slates.

Any political committee or slate making independent expenditures in excess of two hundred fifty dollars (\$250.00) as defined in section 6C-1 to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office shall file with the board of supervisors of elections reports in accordance with this article of all monetary and in-kind contributions received and expenditures made. If actual costs for an expenditure are not available when a report is due, this must be documented on the report and an estimate must be provided. The board of supervisors of elections may require such reports to be filed electronically utilizing software

specified by the board. This report shall also identify the members of the political committee. Expenditures by a political committee may not be coordinated with any candidate or group of candidates.

Sec. 6C-7. - Time and manner of reporting—Political committees and slates.

- (a) The first report of a political committee or slate shall be due within three (3) days of collecting or expending the first two hundred fifty dollars (\$250.00) or more to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office.
- (b) The second report of such a political committee or slate shall be filed with the board twenty-nine (29) days before the election.
- (c) The third report of such a political committee or slate shall be filed with the board fifteen (15) days before the election.
- (d) The fourth report of such a political committee or slate shall be filed with the board eight (8) days before the election.
- (e) The next report of such political committee or slate shall be filed on the last day of the month following the month in which the general election was conducted.
- (f) Thereafter, every such political committee or slate shall annually file by December 31st a report of any contributions received or expenditures made to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office. No report shall be required after all receipts and disbursements have been entirely accounted for and no balance shall remain in the account. (g) The first report filed by any such political committee or slate shall include any balance remaining at the expiration of the last reporting period from any prior election and any contributions received and any expenditures made to assist in the promotion of the success or defeat of any candidate or slate of candidates for city elective office since the date of this last prior report, through the day immediately preceding the date of the filing of such first report. Each subsequent report by any political

committee or slate shall include all contributions received and expenditures made from the day of the filing of the last prior report through the day preceding the filing of the subsequent report.

(h)

Every such report shall be available for inspection by any person at the city offices during regular business hours.

(i)

If the last day of the month on which any report is due shall fall on a Saturday, Sunday or a legal holiday, then such report shall be required to be filed on the next following day when city offices are open for regular business.

ADOPTED this ____ day of _____, 2013 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2013. APPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2013.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2013 and that the same was approved by the Mayor of the city of Gaithersburg on the ____ day of _____, 2013. This Ordinance will become effective on the ____ day of _____, 2013.

Tony Tomasello, City Manager

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>

MEMORANDUM

TO: Board of Supervisors of Elections

FROM: N. Lynn Board, City Attorney *72B*

DATE: February 20, 2013

RE: Regulation of Slates

The Board of Supervisors of the Elections has requested my office research potential regulation of Slates. To that end, I have reviewed the relevant provisions of the Elections Article of the Annotated Code of Maryland and municipal codes across the state.

While the Elections Article of the Annotated Code of Maryland does not apply to municipal elections, it does provide useful guidance on how the State and Counties address election issues. The State Code defines a Slate as:

“Slate” means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities. *Elections Article, §1-101(o)*

The State Code allows for two or more candidates who have established separate campaign finance entities to form a Slate and for any candidate that has established a campaign finance entity to join a Slate. A candidate who joins a Slate is required to file a written notice with the State Board of Elections. *Elections Article, §13-209*. A copy of the State Slate Designation/Resignation Form is attached. Under State law, Slates and the campaign finance entities of its members are exempt from the limitations on the transfers of funds between campaign finance entities contained in State Code. *Elections Article, §13-227*.

The Code of Maryland Regulations (COMAR) further provides with regard to Slates, that the State Board of Elections “shall attribute to a candidate that part of an expenditure by a slate that equals the amount of the expenditure divided by the number of members of the slate. A candidate equals one member of the slate.” *COMAR 33.14.03.04*. In addition, the Summary Guide to Maryland Candidacy and Campaign Financing Laws prepared by the State Board of Elections also addresses Slates. The Summary Guide provides:

“Unlimited transfers between a slate and the candidate committees of its members are permitted. However, a member’s candidate committee may not make an unlimited transfer directly to another member’s candidate committee in the slate.” *Section 4.3*.

With regard to municipalities, I reviewed the election codes for Rockville, Annapolis, Frederick, Takoma Park, Bowie, College Park, Greenbelt, Laurel, Ocean City and Salisbury. Of these jurisdictions, only Rockville regulates Slates. In addition, I reached out to the Maryland

Municipal League's research division and they could not find any Maryland municipalities other than Rockville that regulate Slates. For several years the Chesapeake Beach Code did include a regulation for Slates, but that provision was repealed in 2010.

Under the Rockville City Code, Slates are not specifically defined, but are treated as a campaign committee. The Rockville Code provides:

"Any candidate, after filing the name of a treasurer as prescribed in subsection 8-71(a), may choose, at any time after the filing to join a group, combination or organization of candidates, commonly known as a "slate," at which time the candidate shall notify the City Clerk in writing, of the fact that said candidate has joined the slate and the date on which said candidate did so. The slate shall be deemed to be a campaign committee for all purposes of this chapter. Any candidate who has only engaged in fundraising on behalf of the candidate's slate and who has submitted a statement indicating that said candidate has joined such slate, may disclose these facts and not be subjected to the other disclosure requirements of this section." *Rockville City Code, §8-72.*

Should the BOSE wish to recommend the regulation of Slates to the Mayor and City Council, it is Staff's recommendation that the City Code be amended to include a definition and regulation of Slates similar to those included in the Annotated Code of Maryland and COMAR regulations.

State of Maryland



Slate Designation/Resignation Form

Name of Slate: _____

Slate Chairman: _____ Slate Treasurer: _____

Candidate Information	
Name of Candidate	
Residence Address	
County of Residence (or Baltimore City)	
Party Affiliation	

- ☐ *In accordance with § 13-209 of the Election Law Article, Annotated Code of Maryland I hereby certify that it is my intention to join the above referenced Slate.*

Signature of Candidate Date

- ☐ *I wish to resign my previously filed designation to the above referenced Slate.*

Signature of Candidate Date

This form should be sent to the State Board of Elections or a local election office, depending upon where the Slate is filed.

<p align="center">For Board Use Only</p> <p>Slate Entity Number: _____</p> <p>Candidate Entity Number: _____</p>

Maryland State Board of Elections
Division of Candidacy and Campaign Finance
P.O. Box 6486 • 151 West Street, Suite 200 • Annapolis, MD 21401-0486
410-269-2880 • 800-222-8683 • MD Relay 800-735-2258
www.elections.state.md.us

Lauren Klingler

From: Tom Rowse [trowse1@comcast.net]
Sent: Thursday, February 21, 2013 2:31 PM
To: Lynn Board; City Elections
Subject: Re: Slates

Lynn,

Thank you for doing such a fine job of researching slates at the state, county and municipal levels. Moving forward, this gives the BOSE proper guidance in regards to what changes need to be addressed in the City Election Code.

It is my sincere hope that the BOSE recommend regulation of slates, and then after crafting an amendment to the City Election Code, it be presented to the Mayor and Council.

I will be unable to attend tonight's meeting due to an illness in my family. Please share this email with the BOSE and I would like it included in their minutes as correspondence and/or testimony.

Respectfully,
Tom

Regards,
Thomas S. Rowse
Mobile: 301.908.0941

-----Original Message-----

From: Lynn Board <LBoard@gaithersburgmd.gov>
Date: Thu, 21 Feb 2013 10:30:57
To: trowse1@comcast.net<trowse1@comcast.net>
Subject: Slates

Tom:

I wanted to make sure that you had the opportunity to review the attached prior to tonight's BOSE meeting.

Lynn

N. Lynn Board,
City Attorney
City of Gaithersburg
31 S. Summit Avenue
Gaithersburg, MD 20878
(301) 258-6310
lboard@gaithersburgmd.gov

Joint Public Hearing

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 4, 2013

CALL TO PODIUM:

Lauren Pruss

RESPONSIBLE STAFF:

Lauren Pruss, Planning Director
Trudy Schwarz, Community
Planning Director
John Schlichting, Director of
Planning and Code
Administration

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing - Joint
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other: Staff Guidance

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	2/13/2013
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE: Joint Public Hearing

CTAM-1904-2013 Proposed Text Amendments amending the requirements for Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and housekeeping Amendments

SUPPORTING BACKGROUND:

In keeping with the City's strategic plan for economic development and in an effort to implement the master plan and improve transparency in the public hearing process, City Planning Staff have identified a number of Zoning Ordinance provisions for improvement. Additionally, staff would like to take this opportunity to introduce a number of "housekeeping" amendments that will rectify minor errors and omissions and clarify adopted text to ensure transparency.

This memorandum is organized in two general sections, one addressing more substantive changes to the Zoning Ordinance and another addressing the proposed housekeeping amendments. The more substantive changes address electronic signs, daycare uses throughout the City, sign posting for public hearings, and reorganizing and clarifying the text outlining the approval process for changes to Sketch Plans, Concept Site Plans, and Schematic Development Plans in the CD Corridor Development and MXD Mixed Use Development Zones. These changes are described in more detail within the Memorandum dated February 14, 2013 (Exhibit 6).

The Planning Commission reviewed the proposed text amendments at their February 6, 2013 regular meeting. The Commission unanimously voted to sponsor the proposed amendments subject to the condition that additional regulations be included for signs within residential areas. The draft ordinance (Exhibit 7) includes the requested changes.

Attachments:

Power point presentation

Index of Memoranda (with exhibits)

DESIRED OUTCOME:

Conduct the Joint Public Hearing.

Staff recommends the Planning Commission hold their record open for 23 days until 5PM on March 27, 2013 with anticipated recommendation on April 3, 2013. Staff recommends the Mayor and City Council hold their record open for 38 days until 5PM on April 11, 2013 with anticipated policy discussion on May 6, 2013.

CTAM-1904-2013

Proposed Text Amendments:

Electronic Signs and Housekeeping Items



JOINT PUBLIC HEARING
MARCH 4, 2013

CTAM-1904-2013 Overview



Two categories of text amendments:

- More substantive changes to zoning ordinance:
 - ✦ Daycare Uses
 - ✦ Posting of Public Hearing Signs
 - ✦ Hearing Procedures for the CD and MXD zones
 - ✦ Electronic Signs
- Housekeeping Amendments
- Presentation covers only the more substantive changes

Purpose for Amendments



- **Facilitate the City's Strategic Plan**
- **Planning and Economic Development:**
 - ✦ Rectify the near-prohibition of day care services within the city, a key staple service for our business community and residents
 - ✦ Streamline the public hearing process
 - ✦ Improve transparency regarding the public hearing process
 - ✦ Provide additional flexibility for minor changes in use within the CD and MXD zones

Housekeeping Amendments



- Majority of proposed changes fall in this category
- Clarification of language
- Rectify errors or omissions in adopted text
- Address outdated provisions
- Expand use of accepted and desirable text

Daycare Uses: Section 24-25 (4) (d)



- Deletes: “That the facility is designed as part of a planned residential community”
- Numerous cross references in commercial zones result in near-prohibition of day care services throughout the city
- Elimination of problematic provision will allow day care where it is already classified as a permitted use
- Language is unnecessary. The R-A zone is not conducive to planned residential communities.
- Use is regulated as a special exception in R-A zone which provides sufficient oversight to ensure compatibility with residential uses

Posting of Hearing Signs: Section 24-196 (e)



- Modifies the timing for posting of public hearing signs
- Currently, signs must be posted 5 days after receipt of application
- Applications are rarely ready to be scheduled for hearing this early
- Propose to post signs as soon as the hearing date is scheduled, but no later than the legal ad runs in the paper (a minimum of 14 days prior)

Hearing Procedures: Section 24-198 (c)



- Intended to clarify the review process in MXD and CD zones
- Except for the addition of “concept plan, sketch plan or...” no new language, simply reorder existing text
- Allows section to be applied for amendments to concept, sketch, and schematic development plans
- Separates the types of changes requiring Mayor and Council review from the review process
- Most significant change will allow Mayor and Council to conduct a courtesy review for changes in use, and relegate to Planning Commission when deemed minor
- Promotes a business friendly atmosphere by increasing flexibility for minor changes in use within the MXD and CD zone

Electronic Signs: Sections 24-211 and 212



- Expands the ability to have electronic signs to churches, schools and other public uses with Planning Commission approval
- Provides restrictions for electronic signs within or near residential areas
- Includes expanded regulations for movement and brightness characteristics of electronic signs to reduce glare and distraction
- Allows gas station pricing signs to include LED/electronic signage for the numerical portion of the sign without Planning Commission approval

Questions?



**INDEX OF MEMORANDA
CTAM-1904-2013**

1. Package for the February 6 Planning Commission meeting regarding requesting sponsorship of the draft text amendment
2. Application for CTAM-1904-2013
3. Letter to Gaithersburg Gazette dated February 8, 2013, requesting a Legal Ad in the February 13 and 20, 2013, issues
4. Adobe PDF version of February 13, 2013 legal ad in the Gaithersburg Gazette
5. Adobe PDF version of supplementary February 13, 2013 legal ad in the Gaithersburg Gazette
6. Memorandum to the Mayor and City Council and Planning Commission dated February 14, 2013
7. Draft Ordinance – CTAM-1904-2013
8. Power point presentation for March 4, 2013 Joint Public Hearing

MEMORANDUM

TO: Planning Commission

FROM: Lauren Pruss, Planning Director

VIA: John Schlichting, Director of Planning and Code Administration

RE: Sponsorship of Proposed Housekeeping Text Amendments

DATE: February 6, 2013

Over the last several years, staff has introduced a number of text amendments revising language within the zoning ordinance. Following adoption and implementation of text amendments, staff periodically finds the need to clarify language as well as rectify minor errors and omissions through what is commonly referred to as a “housekeeping” amendment. These amendments also offer the opportunity for staff to address sections of the zoning ordinance which have become outdated and no longer make sense in practical application, or to expand the use of desirable provisions of the code to other areas where such language is not currently found. The following is a summary of these “housekeeping” changes to Chapter 24 listed by section as currently recommended by staff:

Section 24-22(a)(3) – This amendment clarifies City staff as the designee for land use interpretations of prohibited, special exception and conditional uses. This language reflects current practice. Such determinations may still be appealed to the Board of Appeals.

Section 24-25 (4) (d) – The amendment proposes to eliminate the requirement for daycare facilities which accommodate more than eight individuals to be located in a planned residential community. In the R-A zone, these child day care facilities are also regulated as a special exception, and the zone is not conducive to planned communities. Additionally, Section 24-25 is cross-referenced by almost every other section of the zoning ordinance which refers to child day care uses. This cross reference essentially prohibits child day care uses in the I-3, E-1, C-1, C-2, CD and CBD zones where the use is otherwise classified as a permitted use. The elimination of the condition that the use be located in a planned residential community will rectify this problem.

Section 24-160D.3.(b) – This amendment will clarify fortunetelling businesses as a prohibited use in the MXD zone.

Section 24-160D.9.(a)(1)(b) – This amendment corrects a code reference that should have been amended when we addressed the traffic regulations in 2012.

Section 24-160D.9.(c) subsections (5) and (6) - This amendment deletes the requirement for the applicant to establish restrictive covenants and to enter in to a site plan enforcement

agreement. City staff have found that covenants and site plan enforcement agreements are unnecessary to ensure the City's ability to enforce compliance with an approved site plan.

Section 24-160F.2. - This amendment will clarify fortunetelling businesses, and motorcycle and boat repair and sales as prohibited uses in the CBD zone.

Section 24-160G.2.(b) - This amendment will clarify fortunetelling businesses, motorcycle repair and boat repair as prohibited uses in the CBD zone.

Section 24-160G.6.(d) - This amendment deletes the requirement for the applicant to enter in to a site plan enforcement agreement. City staff have found that covenants and site plan enforcement agreements are unnecessary to ensure the City's ability to enforce compliance with an approved site plan.

Section 24-160G.8. – This amendment correctly deletes a duplicative section providing the procedures for amendment to concept and schematic development plans. The process for amendment is referenced in the proceeding subsection 24-160G.6.(e).

Section 24-172 subsections (b) and (c) – This amendment correctly deletes text that was previously eliminated as a component to establishing the minor amendment procedure correctly codified in the subsequent Section 24-172A.

Section 24-180 – This amendment mimics the language from the proposed amendment to Section 24-22(a)(3) and relegates authority from the Planning Commission to City staff as the designee for land use interpretations of prohibited, special exception and conditional uses. This language reflects current practice. Such determinations may still be appealed to the Board of Appeals.

Section 24-196(e) – This amendment would change the timing of sign posting for public hearings. The code currently requires the sign to be posted five days after the application is received. Staff is rarely ready to schedule the hearing date so early after receipt of the application. Staff typically requires additional materials to be provided by the applicant as well as revisions to the application before we deem the application ready for hearing. The proposed modification would rectify this situation and require the sign to be posted as soon as the hearing date is set, but no later than the legal ad runs in the paper.

Section 24-198(c) – This amendment will clarify that this section applies to concept plans and sketch plans as well as schematic development plans, and will clarify when current subsection (b) is applicable (proposed subsection c). Additionally, the proposed amendment reorganizes the existing language of this section in a more logical fashion by separating the hearing process from the descriptions of what changes trigger an amendment. The most significant change within this section will allow the Mayor and City Council to hold a courtesy review for minor changes to use, a process previously limited to "Changes other than to use." This change will provide slightly more flexibility in the process within the CD and MXD zones.

Section 24-211(g) subsections (4) and (5*) – This amendment will permit churches, schools, public parks, and public buildings to have electronic message signs when approved by the Planning Commission. Electronic message signs are already allowed subject to Planning Commission approval in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, and MXD Zones.

Section 24-212 – this amendment will clarify that this section of the sign ordinance applies to the CD zone.

Section 24-212 subsections (i) and (r)(3)(v*) – this amendment will allow changeable electronic/LED lighting for the numerical portion of a gasoline pricing sign without Planning Commission approval.

Staff is looking for Planning Commission sponsorship for the proposed amendments at the February 6, 2013 meeting. Any input received on the draft amendments will be incorporated in to the final draft ordinance advertised for a March 4, 2013 Joint Public Hearing.

lp/LP

att.

* Indicates new/amended/proposed subparagraphs

Ordinance No. _____

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE),
ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES,"
DIVISION 1A, ENTITLED, "GENERALLY," § 24-22(a)(3), DIVISION 1, ENTITLED,
"R-A ZONE, LOW DENSITY RESIDENTIAL," § 24-25,
DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT,"
§§ 24-160D.3 AND 24-160D.9, DIVISION 21, ENTITLED,
"CBD ZONE, CENTRAL BUSINESS DISTRICT," § 24-160F.2,
DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT,"
§§ 24-160G.2, 24-160G.6, AND 24-160G.8 THROUGH 24-160G.10,
ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," § 24-172,
ARTICLE VI, ENTITLED, "ADMINISTRATION AND ENFORCEMENT OF CHAPTER,"
§ 24-180, ARTICLE VIII, ENTITLED, "AMENDMENT PROCEDURE,"
§§ 24-198(c)(3) AND 24-196, ARTICLE IX, ENTITLED, "SIGNS," §§ 24-211 AND 24-212,
TO MAKE MODIFICATIONS SO AS TO UPDATE, CORRECT AND ELIMINATE
REDUNDANT PROVISIONS

Text Amendment CTAM-....-2013

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance) Article VIII, §24-196 is amended to read as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

DIVISION 1A. GENERALLY

Sec. 24-22. Permitted and special exception uses.

(a) Except as provided elsewhere in this chapter, no use shall be allowed except as indicated in the table provided in the text of each zoning district as follows:

(1) * * *

(2) * * *

(3) Prohibited uses are uses not identified as permitted uses, special exception uses or conditional uses in any specific zoning district in this chapter or specifically identified as a prohibited use in any specific zoning district. Lawful accessory uses and lawful non-conforming uses

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

are not prohibited uses. For uses not specifically listed, a zoning interpretation may be obtained from the city manager or his/her designee as to whether the proposed use or uses are allowed within a particular zoning category.

* * * *

DIVISION 1. R-A ZONE, LOW DENSITY RESIDENTIAL

Sec. 24-25. Uses permitted as special exceptions.

The following uses are permitted as special exceptions after approval by the board of appeals.

(1) * * * *

(2) * * * *

(3) * * * *

(4) Child or elderly day care facilities accommodating more than eight (8) individuals; provided, that the approval of such use in any wood frame structure or building shall be conditioned upon the installation and maintenance of an approved fire prevention sprinkler system of a light hazard classification pursuant to the current standards set forth by the Montgomery County, Maryland Fire Code regulations. This use shall be subject to the following standards:

a. * * * *

b. * * * *

c. * * * *

d. ~~That the facility is designed as a part of a planned residential community.~~

e. That the design of the facilities will be compatible and in character with surrounding, existing and proposed residential uses.

* * * *

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

* * * *

Sec. 24-160.D.3. Uses permitted.

(a) * * * *

- (b) *Commercial/employment/industrial.* All uses allowed by right in any of the following zone: R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones are permitted uses. The following uses are specifically prohibited:

Adult-oriented business.

Automobile paint and body repair shops.

Body piercing establishments

Drive-in theaters.

Fortune telling business.

Hotel, extended stay.

Manufacture, compounding, and processing of goods or articles.

Pawnshops.

Tattoo parlor.

* * * *

Sec. 24-160.D.9. Application and processing procedures.

Procedures governing the application for the MXD Zone and approvals necessary to seek building permits shall be subject to the following multistep process:

(a) *Application for the MXD Zone and sketch plan approval.*

- (1) An applicant shall file, together with the prescribed application fee, an application for the MXD Zone pursuant to the provisions of section 24-196 of this Code, and in addition, shall submit for the approval as part of the application for separate approval, a sketch plan reflecting at a minimum, the following:

a. The boundaries of the entire tract of parcel.

b. The requirements of section 24-169(a), except for items (4), (5), (6) and (7) **(3), (4), (5) and (6)f.**

* * * *

(c) *Final site plan review.* Following approval of a schematic development plan, an applicant shall submit to the city planning commission, an

applicant shall submit to the city planning commission a final site plan for approval, which shall be in accord with the approved schematic development plan and shall include the following:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- ~~(5) A proposed covenant, suitable for filing in the land records of Montgomery County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be filed in the land records shall also indicate that such restrictions shall be in effect until such time as the property may be rezoned, at which time such restrictions shall be removed.~~
- ~~(6) A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that the performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasure of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.~~

Approvals, processes, procedures and amendments to site plans shall be in accord with Article V of this Chapter 24 of the Code.

DIVISION 21. CBD ZONE, CENTRAL BUSINESS DISTRICT

Sec. 24-160F.2. Uses allowed.

- (a) *Permitted uses.* All uses listed as permitted and not solely as special exceptions in all zoning districts, unless otherwise designated in the below subsections (b) and (c) as a prohibited, special exception, or conditional use. except:

- ~~(1) Automobile and truck repair and services.~~
- ~~(2) Automobile and truck body repair shops.~~
- ~~(3) Automobile and truck sales.~~
- ~~(4) Landscaping and excavation contractor business involving the use of heavy trucks and equipment.~~
- ~~(5) Pawn shops.~~
- ~~(6) Tattoo parlors.~~
- ~~(7) Telecommunications facilities located entirely within an existing structure, subject to the requirements of section 24-167A(C)(1).~~
- ~~(8) These uses listed in subsection (b) of this section.~~

- ~~(b) *Special exception uses*~~

- ~~(1) Boarding homes.~~
- ~~(2) Group residential facilities located entirely within an existing structure, subject to the requirements of section 24-167A(C)(1).~~
- ~~(3) Laboratories, provided such use meets all federal, state and local safety regulations.~~
- ~~(4) Consignment shops.~~
- ~~(5) Private educational institutions.~~

- (b) *Prohibited uses. The following uses are prohibited in the CBD Zone.*

- (1) Automobile, motorcycle, marine, and truck repair and services.
- (2) Automobile, motorcycle, marine, and truck body repair shops.

(3) Automobile, motorcycle, marine, and truck sales.

(4) Landscaping and excavation contractor business involving the use of heavy trucks and equipment.

(5) Pawn shops.

(6) Tattoo parlors.

(7) Telecommunications facilities unless located entirely within an existing structure, subject to the requirements of section 24-167A(D)(1).

(8) Fortune telling business.

(c) Special exception uses. The following uses shall be special exception uses in the CBD Zone subject to approval by the City Board of Appeals notwithstanding the fact that such use may be allowed as a permitted use in any other zones referred to in the above subsection (a):

(1) Boarding homes

(2) Group residential facilities operated by a nonprofit or public entity.

(3) Laboratories, provided such use meets all federal, state and local safety regulations.

(4) Consignment shops.

(5) Private educational institutions.

* * * *

DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

* * * *

Sec. 24-160G.2. Uses allowed.

(a) *Permitted uses.* * * * *

(b) *Prohibited uses.* All of the following uses are prohibited in the CD Zone:

(1) Automobile, motorcycle, marine, and truck body repair shops.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

(7) Fortune telling businesses.

* * *

Sec. 24-160G.6. Procedure for application and approval.

Procedure governing the application for the CD Zone and approvals necessary to seek building permits shall be subject to the following process:

(a) * * *

(b) * * *

(c) * * *

(d) ~~A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.~~

~~(e)~~ Amendments to a schematic development plan or concept plan. property within the CD zone shall be governed by the process set forth in section 24-198(c) of the City Code.

* * *

Sec. 24-160G.8. Procedures for amendment.

Amendments to a schematic development plan or concept plan may be permitted, pursuant to the following requirements:

- (a) ~~The schematic development plan or concept plan may be amended:~~
 - (1) ~~At any time before review and recommendation by the planning commission;~~
 - (2) ~~At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation;~~
 - (3) ~~At any time following council action granting the approval of a schematic development plan as follows:~~
 - a. ~~Change in use involved.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council. The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.
 - b. ~~Changes other than to use.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council when the change to the proposed application:
 - 1. ~~Increases the height of building by then (10) feet or more, or~~
 - 2. ~~Materially changes the orientation or siting of buildings, parking accessory uses, or~~
 - 3. ~~Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or~~
 - 4. ~~Increases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater, or~~
 - 5. ~~Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.~~

~~The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.~~

Sec. 24-160G.98. Existing buildings and uses.

* * * *

Sec. 24-160G.10.9. Special regulations and requirements.

* * * *

ARTICLE V. SITE DEVELOPMENT PLANS

* * * *

Sec. 24-172. Compliance with and changes in plan.

- (a) Compliance requirements. Land which is the subject of an approved site development plan shall be developed and used only in accordance with the approved plan or in accordance with amendments to said plan approved in accord with the provisions of this chapter. The approvals of site development plans or amendments thereto may contain such conditions as are necessary to ensure compliance with the requirements of this chapter or which are in the public interest. Use and development of land which is the subject of the site development plan or the construction of a building or structure thereon in a manner not in compliance with that plan is prohibited and shall constitute a violation of this chapter.
- ~~(b) Requests for amendment of site development plans. A request for amendment shall be accompanied by so much of the information required by section 24-169 as is necessary to properly detail and permit action upon the request for amendment. At the time the application for amendment is filed, the applicant shall pay the prescribed fee for processing the request. Minor amendment requests shall be those requests specified in subsection (c) of this section and shall be acted upon by the planning director or his/her designee. The applicant for a minor amendment shall provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of abutting and confronting properties of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department. All amendment requests, except for minor~~

~~amendments, shall be subject to public hearing and decision by the city planning commission.~~

~~(c) Minor amendment requests.~~

~~(1) Requests for minor amendment shall be filed with and acted upon by the planning director or his/her designee. Requests for minor amendment include:~~

~~(a) Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction.~~

~~(b) Resiting of a lot with a house type previously approved by the city planning commission.~~

~~(c) Approval of retaining walls/fences and other enclosures.~~

~~(d) Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings (other than item (b) above).~~

~~(e) Minor signage changes or additions.~~

~~(f) Minor landscaping or pedestrian and sidewalk access revisions.~~

~~(g) Addition of easements and parking areas or correction of easement and parking area locations.~~

~~(h) Revisions to forest conservation plan.~~

~~(i) Revisions or amendments delegated by the city planning commission.~~

~~(2) Public hearings of the planning commission are not required for a minor amendment, provided, however, the planning director or his/her designee shall, upon request, meet with the applicant and interested parties or consider written comments on the amendment.~~

~~(3) A minor amendment may only be granted if:~~

- (a) ~~The amendment does not violate the development standards of the property's zoning or increase the lawful nonconformity of any lot or building; and~~
- (b) ~~The amendment is in general harmony with the architectural and site design characteristics of the approved site development plan; and~~
- (c) ~~The amendment will not substantially impair the intent, purpose or integrity of the neighborhood or the planning documents for the applicable area.~~
- (4) ~~The decision of the planning director (or designee) may be appealed to the city planning commission if filed with the planning department, in writing, within fifteen (15) days after the decision is mailed by the planning director. The planning commission, in its discretion, may hold a public hearing on the decision of the planning director, or order written statements and oral argument in lieu of a public hearing. The planning commission may approve, approve with modification, or disapprove the requested amendment(s) and shall state the reasons for its action.~~

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT OF CHAPTER

* * * *

Sec. 24-180. Requests for interpretation of chapter.

~~Upon the application of a property owner for an interpretation of a particular section of this chapter relative to land use, the city manager shall request of the planning commission a certified zoning interpretation confirming the permitted use or uses within a particular zoning category established on the zoning map of the city.~~ For uses not specifically listed, a zoning interpretation may be obtained from the city manager or his/her designee as to whether the proposed use or uses are allowed within a particular zoning category.

* * * *

ARTICLE VIII. AMENDMENT PROCEDURE

* * * *

Sec. 24-196. Map amendments.

- (a) * * * *

(b) * * *

(c) * * *

(d) * * *

(e) *Posting of notice.* ~~Within five (5) days after the filing of a map amendment application, t~~ The applicant shall erect one or more signs to be supplied to him by the city manager giving notice of the number assigned to such application and the classifications proposed. Such sign or signs shall be erected by the applicant on the property which is the subject of the application in accordance with the specifications of this subsection. **The sign(s) shall be erected as soon as the public hearing date is set, but in all cases the signs shall be posted a minimum of fourteen (14) calendar days prior to the date of the public hearing.** Ordinarily, such sign or signs shall be located on property which is the subject of the application. In the event the applicant is not the owner of the property and the owner refuses to permit a sign to be placed on the property, or in the event a sign on the property cannot be readily seen by the public, the city manager may direct that the sign or signs be placed on property other than the subject property in such locations as will give fair notice of the pendency of the application. All signs shall be posted in accordance with the following rules:

* * *

Sec. 24-198. Optional method of application for local map amendments

* * *

~~(c) The schematic development plan may be amended:~~

~~(1) At any time before review and recommendation by the planning commission;~~

~~(2) At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation;~~

~~(3) Subsequent to council action to approve as follows:~~

~~c. *Change in use involved.* By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council. The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than~~

~~forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.~~

- d. ~~No change in use involved.~~ By submission to the planning commission for evaluation and approval in accordance with Article V of this chapter.
- e. ~~Changes other than to use.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council when the change is to proposed new development or modification to existing development which:
 - (i) ~~Increases the height of building or signage by ten (10) feet or more, or~~
 - (ii) ~~Materially changes the orientation or siting of buildings, parking accessory uses, or~~
 - (iii) ~~Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or~~
 - (iv) ~~Increases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater, or~~
 - (v) ~~Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.~~

~~The council shall hold only a courtesy review of the application, presented by the city planning staff, prior to action by the planning commission. The council shall either:~~

- (1) ~~Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(3)b.; or~~
- (2) ~~Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.~~

(c) Amendments to concept plans, sketch plans, and schematic development plans:

(1) The concept plan, sketch plan or schematic development plan must be amended when:

a. *Change in use involved.*

b. *Changes other than to use:*

(i) Increases the height of building or signage by then (10) feet or more, or

(ii) Materially changes the orientation or siting of buildings, parking accessory uses, or

(iii) Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or

(iv) Increases by more than ten percent or five (5) units the number of residential dwelling units whichever is greater, or

(v) Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.

c. *No change in use involved.* When sections (a) and (b) are not applicable to the proposed amendment, the schematic development plan may be amended by submission to the planning commission for evaluation and approval in accordance with Article V of this chapter.

(2) For amendments involving change in use or changes other than to use, plans may be amended at any time as follows:

a. At any time before review and recommendation by the planning commission.

b. At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation.

c. Subsequent to council action to approve as follows:

(i) Filing of a new application in accordance with Sec. 24-160D.9.

(ii) Resubmission of the previous application to the mayor and city council for a courtesy review of the application, resented by the city planning staff, prior to action by the planning commission. The council shall either:

1. Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(1).

2. Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than fort-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.

* * * *

ARTICLE IX. SIGNS

* * * *

Sec. 24-211. Signs permitted in all zones.

Subject to the other conditions of article IX and as noted in this section, the following signs shall be permitted in any zone:

* * * *

(g) *Permanent identification signs:*

(1) * * * *

(2) * * * *

(3) * * * *

(4) All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed, and shall only be lighted from an exterior light source which has a disconnect switch in close proximity to the sign. Residential community signs shall only be lighted from an exterior light source. Channel letters and

internally lit box signs are permitted for places of assembly, worship and schools as follows: the background is opaque where only the letters or logos are illuminated. Illuminated white backgrounds are prohibited. The color white may be used for the letters and logos.

(5) Places of worship, schools, public parks and public buildings with approval of the planning commission shall be permitted to have electronic message boards.

(1) An electronic message display board must not have any distracting appearance of motion, flashing, blinking, or shimmering.

(2) The area occupied by the message on an electronic message display board may comprise no more than fifty (5) percent of the surface area of the allowable signage.

(3) An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.

(4) An electronic message display board that is readily visible to drivers of vehicles on any public way must have characters of sufficient size and spacing to be easily discerned and must not constitute a safety hazard by distraction of drivers.

Sec. 24-212. Commercial and industrial signs.

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, **CD**, and MXD Zones. Guidelines adopted for the CD, [and] CBD Zones, and Mixed Use Town Centers in the MXD Zone, each as may be amended by resolution, are incorporated into this Article IX and are binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between those guidelines and the provisions of Chapter 24, Article IX, the guidelines shall control.

* * * *

(i) *Electronic signs:* Electronic signs as defined in Sec. 24-209 must be approved by the planning commission, **except where otherwise permitted by right within this article.** In addition to all the other requirements in Sec. 24-212, the following requirements shall apply:

(1) * * * *

- (2) The area occupied by the message on an electronic message display board may comprise no more ~~that~~ **than** fifty (50) percent of the surface area of the allowable signage.

* * * *

(r) *Service station signs:*

(1) * * * *

(2) * * * *

- (3) One monument sign depicting the brand of gasoline and the state pricing signage is permitted.

(i) All such signs erected or structurally altered after the effective date of this article shall be no higher than eight (8) feet and no wider than ten (10) feet.

(ii) Each monument sign erected or structurally altered after the effective date of this article shall be no greater than eighty (80) square feet in size, including the state-required pricing signage.

(iii) All such signs erected prior to the effective date of this ordinance which are greater than eight (8) feet in height are permitted to remain unless modified in any way that requires the issuance of a permit, in which case they shall be required to conform to this ordinance.

(iv) Only one additional monument sign may be permitted, if the station is located on a through lot as define in Sec. 24-1.

(v) The numerical portion of such signs may consist of changeable electronic/LED messaging without planning commission approval. Such signs must be operated in conformance with Sec. 24-212(i).

* * * *

ADOPTED by the City Council of Gaithersburg, Maryland, this ____ day of _____, 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2013. APPROVED by the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2013.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2013, and the same was APPROVED by the Mayor of the City of Gaithersburg on the ____ day of _____, 2013. This Ordinance will become effective on the ____ day of _____, 2013.

TONY TOMASELLO, City Manager

2/8/2013

**PLANNING AND CODE ADMINISTRATION**

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaithersburgmd.gov · www.gaithersburgmd.gov

TEXT AMENDMENT APPLICATION

All information must be complete to initiate processing of application

APPLICANT

Name Lauren Pruss, Planning Director

Street Address 31 S. Summit Ave.

City Gaithersburg State MD Zip Code 20877

Telephone Numbers: Work 301-258-6330 Cell _____ E-mail Address lpruss@gaithersburgmd.gov

REQUESTED SPONSOR

☐ Mayor and City Council

☒ Planning Commission

This change involves Article See Below, Section See Below of the City Code.

REASON FOR REQUEST

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 1A, ENTITLED, "GENERALLY," § 24-22(a)(3), DIVISION 1, ENTITLED, "R-A ZONE, LOW DENSITY RESIDENTIAL," § 24-25, DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT," §§ 24-160D.3 AND 24-160D.9, DIVISION 21, ENTITLED, "CBD ZONE, CENTRAL BUSINESS DISTRICT," § 24-160F.2, DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT," §§ 24-160G.2, 24-160G.6, AND 24-160G.8 THROUGH 24-160G.10, ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," § 24-172, ARTICLE VI, ENTITLED, "ADMINISTRATION AND ENFORCEMENT OF CHAPTER," § 24-180, ARTICLE VIII, ENTITLED, "AMENDMENT PROCEDURE," §§ 24-198(c)(3) AND 24-196, ARTICLE IX, ENTITLED, "SIGNS," §§ 24-211 AND 24-212, TO MAKE MODIFICATIONS SO AS TO UPDATE, CORRECT, CLARIFY AND/OR ELIMINATE REDUNDANT PROVISIONS, MODIFY THE REQUIREMENTS FOR ELECTRONIC SIGNS AND THE TIMING FOR POSTING OF PUBLIC HEARING SIG

SUBMISSION REQUIREMENTS

☐ Draft Ordinance of Proposed Change

☐ Supporting Material (*optional*)

February 8, 2013

Mark Johnson,
Legal Advertising Manager
The Gazette Newspaper
2-A North Market Street
Frederick, Maryland 21701

Dear Mr. Johnson:

Please publish the following legal advertisement in the **February 13 and 20, 2013**, issues of the *Gaithersburg Gazette*.

Sincerely,



Lauren Pruss, Planning Director
Planning and Code Administration

ASSIGN CODE: CTAM-1904-2013

NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on CTAM-1904-2013, filed by Lauren Pruss, on

**MONDAY
March 6, 2013
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests an amendment to Chapter 24 (City Zoning Ordinance), Article III, Entitled, "Regulations Applicable to Particular Zones," Division 1A, Entitled, "Generally," § 24-22(A)(3), Division 1, Entitled, "R-A Zone, Low Density Residential," § 24-25, Division 19, Entitled, "MXD Zone, Mixed Use Development," §§ 24-160D.3 And 24-160D.9, Division 21, Entitled, "CBD Zone, Central Business District," § 24-160F.2, Division 22, Entitled, "CD Zone, Corridor Development," §§ 24-160G.2, 24-160G.6, And 24-160G.8 Through 24-160G.10, Article V, Entitled, "Site Development Plans," § 24-172, Article VI, Entitled, "Administration and Enforcement of Chapter," § 24-180, Article VIII, Entitled, Amendment Procedure," §§ 24-198(C)(3) And 24-196, Article IX, Entitled, "Signs," §§ 24-211 And 24-212, to Make Modifications so as to Eliminate Redundant Provisions; Update, Correct, and/or Clarify Text and Procedures; and Modify The Requirements for Electronic Signs and the Timing for Posting of Public Hearing Signs.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-258-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

CITY MANAGER
Angel L. Jones



Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Lauren Pruss, Planning Director
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-258-6149 • TTY 301-258-6430 • cityhall@gaithersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

CITY MANAGER
Angel L. Jones

Client Name: **11244046-01**
Advertiser: **1863940**
Section/Page/Zone: **3x4.50**
Description: **B&W**

CITY OF GAITHERSBURG

A/A016/

Joint Public Hearing on CTAM-1904-2

Something's cookin'

■ Germantown resident competes in national cooking competition

BY CARA HEDGEPEATH
STAFF WRITER

Before last year, cooking dinner for Rasheeda Brown meant heating up a frozen meal or ordering carry-out.

"It was TV dinners and I would eat out a lot," said Brown, 30. "Anything outside of a microwave, I was pretty clueless."

When she'd have dates over for dinner, Brown admits she would have her identical twin sister, Aisha Brown, prepare meals for her, and then pass them off as her own.

"[Aisha] would try to show me how to cook and then I would mess it up and she would just kind of take over," Brown said. "[She] felt like it was time that I learn how to cook."

Fed up with the food fraud, Aisha nominated her sister for the fourth season of the Food Network's "Worst Cooks in America," premiering Sunday at 9 p.m.

"When she mentioned she nominated me ... I was thinking I wouldn't get picked," Brown said. "Honestly, I didn't think anything of it until the show called me back."

Brown, a Prince George's County native now living in Germantown, is one of 14 contestants on the latest season of the competition which wrapped filming in 2012.

When she heard she'd been chosen for the show, Brown said she was excited for the opportunity.

"Not only am I going to learn to cook, but I'm going to learn from two of the best chefs in the world," she said.

Brown admitted a little sibling rivalry also played into her excitement.

"[I thought], I'm going to learn how to cook better than my twin sister."

Brown and the other culinary-challenged contestants are divided into two teams led by world-famous chefs, Bobby Flay and Anne Burrell. The contestants hone their cooking skills by competing in a series of



Chef Anne Burrell reacts to Rasheeda Brown's attempt to make Chef Anne's pan-seared pork chops with grape sauce on Food Network's fourth season of "Worst Cooks in America."

challenges over the seven week season in the hopes of winning the \$25,000 grand prize, and the comfort of knowing they're not, in fact, the worst cooks in America.

Brown, a self-proclaimed diva, was assigned to Team Anne, and said the two immediately clashed on Brown's choice of wardrobe in the kitchen.

"The first thing Anne said to

me was, 'You can't come in this kitchen with those heels on,'" Brown said.

But Brown, a corrections officer, said she wasn't intimidated by the chef's harsh criticism.

"When Chef Anne started yelling, I definitely don't think it got [to] me as much as it would [the other contestants]," Brown said.

In fact, Brown said her professional training probably made her "a little tougher in the kitchen than [she] had to

be." She said her experience on the show taught her that cooking doesn't always have to be a chore; it can be fun.

But that doesn't mean the competition was easy. Asked what the most difficult dish to make was, Brown responded with a laugh: "I'm going to say, everything. I felt like everything that I did was wrong, from my cutting skills to what to cook with."

Brown was faced with the challenge of living in a house with 13 strangers.

"All of the contestants are in one house together," Brown said. "It was interesting."

When it came time to prepare meals in the house, Brown said she "didn't do a lot of the cooking, but the other contestants did."

"We didn't have a choice," she said. "We had to."

After five weeks of filming and several "disastrous moments," Brown said she left the show with some valuable skills and more confidence in her cooking.

"They showed me how to season outside of salt and pepper," Brown said. "And I know how to hold a knife properly." And perhaps most importantly, Brown said she's no longer passing her sister's cooking off as her own.

"I did make something for one gentleman," Brown said. "Made some steak and he liked it."

chadgpeath@gazette.net

DEBUT

Continued from Page A-15

until Juilliard that she began to write and perform music she liked that she really began to enjoy the violin.

"You're expressing your voice and your conviction," she said about composing.

When she and Wyckoff head out into the country to perform, Wyckoff does the driving and Miller the navigating. They sometimes play in cities with established chamber groups, but they also enjoy taking their brand of music to libraries, museums and some of the more remote areas of the country.

"Seventy-five percent of our audiences haven't heard the flute, violin and cello [combination], and 50 percent haven't heard chamber music before," Wyckoff said.

They talk to their hosts all over the country about music, sometimes late into the night, and they also enjoy checking out the local environments on foot if time allows.

"We like seeing new places, and we both enjoy hiking a lot," Wyckoff said.

When visiting Ashton, they like to walk the Underground Railroad trail, often late in the day as the sun is starting to set. Written for the flute, "Walking the Woods at Twilight," evokes the sights and sounds of the path as it makes its way through the trees in the fading light.

"When you can't see so clearly, you begin hearing more — the birds, the branches in the wind, the scurrying of the animals," said Miller about the beauty of the scene.

But she said she was inspired by the work of Harriet Tubman and the Sandy Spring abolitionists who helped lead African Americans out of slavery to freedom.

"It was the dedication of the people who risked so much to do it, and the courage of the slaves to travel at night, not knowing who to trust," Miller said. "It must have been frightening."

verthume@gazette.net

ON THE MENU

A Guide To Area Restaurants

<p>AMERICAN</p> <p>BARKING DOG 4723 Elm Street, Bethesda, MD 301-654-0022 www.thebarkingdogonline.com</p> <p>7416 Baltimore Ave., College Park, MD 301-277-DOGS www.BarkingDogCP.com</p> <p>TEX-MEX / LATIN AMERICAN CUISINE</p> <p>AZUCAR RESTAURANT BAR & GRILL 14418 Layhill Road Silver Spring, MD 20906 301-438-3293 www.azucarrestaurantmd.com</p> <p>EL GOLFO RESTAURANT 8739 Flower Avenue Silver Spring, MD 20901 301-608-2121 www.ElGolfoRestaurant.com</p>	<p>ITALIAN</p> <p>BARONESSA ITALIAN RESTAURANT 1302 E. Gude Dr., Rockville, MD 301-838-9050 www.baronessarest.com</p> <p>MEXICAN</p> <p>VILLA MAYA RESTAURANT 5532 Norbeck Rd., Rock Creek Village Shopping Ctr. 301-460-1247 www.villamayarestaurant.com</p> <p>VEGETARIAN</p> <p>MARK'S KITCHEN 7006 Carroll Ave., Takoma Park, MD 20912 301-270-1884</p>	<p>SUSHI</p> <p>SUSHIKO 5455 Wisconsin Avenue Chevy Chase, MD 20815 301-961-1644 www.sushikorestaurants.com</p> <p>JAPANESE</p> <p>MASA HIBACHI STEAKHOUSE & SUSHI Downtown Silver Spring 921 J Ellsworth Drive Silver Spring, MD 20910 301-608-8989 or 301-608-8119</p> <p>SEAFOOD</p> <p>THE SEAFOOD HOUSE RESTAURANT (Formerly The Middlebrook Inn) 19201 Frederick Avenue Germantown, MD 20876 240-654-3306</p>
--	---	---

New Showing!

F. Scott Fitzgerald Theatre
603 Edmonston Dr.
Rockville, MD 20851
240-314-8690
www.rockvillemd.gov/theatre

Victorian Lyric Opera Company presents Gilbert & Sullivan's

"Iolanthe"

When the peers meet the peri, comedy follows!

February 22 - March 3
Friday, Saturday at 8pm
Sunday at 2pm
Preview February 21, all seats \$12!

NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on CTAM-1904-2013, filed by Lauren Pruss, on

MONDAY
March 4, 2013
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests an amendment to Chapter 24 (City Zoning Ordinance), Article III, Entitled, "Regulations Applicable to Particular Zones," Division 1A, Entitled, "Generally," § 24-22(A)(3), Division 1, Entitled, "R-A Zone, Low Density Residential," § 24-25, Division 19, Entitled, "MXD Zone, Mixed Use Development," §§ 24-160D.3 And 24-160D.9, Division 21, Entitled, "CBD Zone, Central Business District," § 24-160F.2, Division 22, Entitled, "CD Zone, Corridor Development," §§ 24-160G.2, 24-160G.6, And 24-160G.8 Through 24-160G.10, Article V, Entitled, "Site Development Plans," § 24-172, Article VI, Entitled, "Administration and Enforcement of Chapter," § 24-180, Article VIII, Entitled, "Amendment Procedure," §§ 24-198(C)(3) And 24-196, Article IX, Entitled, "Signs," §§ 24-211 And 24-212, to Make Modifications so as to Eliminate Redundant Provisions; Update, Correct, and/or Clarify Text and Procedures; and Modify The Requirements for Electronic Signs and the Timing for Posting of Public Hearing Signs.

Further information may be obtained from the Planning Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Remember Romance and remember it always.

Relaxing Spa

Indoor Resort Pool

Celebrate your one-of-a-kind romance at a one-of-a-kind resort!

Get cozy with your sweetheart any time of the year at the spectacular Gaylord National Resort! Our luxurious guest rooms and beautiful indoor gardens provide the perfect setting for a romantic getaway. We'll welcome you with champagne and strawberries, then serve up a delicious breakfast in the morning. All you have to do is enjoy! What better way to celebrate the one you love?

GAYLORD NATIONAL RESORT
NATIONAL HARBOR, MD

Book your Remember Romance package today! GaylordNational.com
or call (301) 965-4122

355 TOYOTA PRE-OWNED

***10 Toyota Yaris**
#360028A
4 Cyl., ABS, Great on Gas!
\$9,985
JUST REPAIRED

See Our Entire Ad In The Auto Section!

DARCARS

SEE WHAT IT'S LIKE TO LOVE CAR BUYING

355 TOYOTA PRE-OWNED

15625 Frederick Rd., Rockville
1-800-551-2071
www.355.com

The Gazette's Auto Site
Gazette.Net/Autos

Ad Number: 11244046-01
 Insertion Number: 1863940
 Size: 3x4.50
 Color Type: B&W

Client Name: CITY OF GAITHERSBURG
 Advertiser: B/B004/
 Section/Page/Zone: B/B004/
 Description: Joint Public Hearing on CTAM-1904-2

SWIMMER

Continued from Page B-1

certain qualifying times set early in the season, all Maryland student-athletes are eligible for the state competition, provided they have swum their particular event during the course of the season.

The Top 3 finishers in each event at Saturday's region competitions, plus the next 12 best times regardless of region, earn a spot in the season-ending championship at the end of the month.

Therefore the emphasis Saturday will be racing for place and the opportunity to shine the following week. With Montgomery County's strength — county swimmers won all 22

events and set 16 state records at last winter's Class 4A/3A championship — it is likely many more than the Top 3 in each event will move on to states.

Swimmers' mentality on Saturday will be most coaches' focal point this weekend.

"It's not going to be as big of an adjustment as it was last year. Last year, we didn't know what to expect. We didn't know what we were facing with all the rules and competition. We're more prepared this time. The kids who are excited and engaged definitely perform better. That's the way I go for it," said first-year Thomas S. Wootton coach Jacqueline Emr. The Patriots are coming off a Metro victory.

Coaches also had a quick

turnaround with their regional lineups, which were due at 5 p.m. Monday, just two days following the excitement of Metros.

Crafting region meet lineups is a lot different. Teams are limited to eight active swimmers plus two alternates and two swimmers are entered in each event. They must contest the same event at states that they did in the region meets.

Creating a state championship lineup becomes a game of picking up as many points as possible and getting as many swimmers through to the state meet as possible. It might mean putting some swimmers in off events, Sherwood coach Brendan Lees said.

These next two weeks will be a challenge, but swimmers are internally driven by nature and coaches agreed that the county's student-athletes will put everything they have into the season-ending championships.

"I think there are priorities for most individuals to do as well as they can at every single meet. We've been through it once. We have a little bit more experience and the opportunity to know the swing of things before we jump into it this year," Leong said.

BASKETBALL

Continued from Page B-1

"It allows us to play full court more and try to push the ball up the floor and run because everyone can handle the ball in the open floor," coach Fred Swick said. "It allows us to open up the offense and look for dribble penetration more. It makes it more fun to play the full court the way the kids can get out and go."

While the Falcons have played mostly teams with losing records for the past month, they believe the final stretch of the season will give them a taste of what the playoffs will be like.

It started Friday against Damascus and the Falcons were on the wrong side of a large win, losing 58-40. Still, it was closer than their meeting in mid-December when Damascus won 71-37.

Its final three games are against Urbana — the result



BRIAN LEWIS/THE GAZETTE
 Damascus High School handed Pooleville High School a 58-40 loss at Damascus Friday night. Whitney Carmack battles for the ball with Lauren Green of Damascus and Tara Benton of Pooleville.

ended too late to be included in this edition of The Gazette — Liganore and Quince Orchard, all which have losing records. The Falcons hope those games can provide some sort of test before the playoffs begin.

"It gets us ready because Frederick County is pretty solid no matter which school it is," Hughes said after beating Seneca Valley. "It's going to help us for the teams we're going to see in the playoffs."

SHOT PUT

Continued from Page B-1

feet and 11.5 inches and the 4A West Regional with 45 feet and 0.25 inches.

In fact, Tyler has topped his best throw entering the season (36 feet and two inches) in all six of his meets this winter.

"He's got a little bit more grown-man muscle now," Pelkey said. "I think he's a pretty good combination of really good footwork and good

strength and explosiveness. I think we're only just seeing the beginning of what he can do."

Tyler and Noah Vernick, who Pelkey expected would be the team's top thrower, have challenged each other in practice throughout the season.

"As soon as you start pointing out that 'I think Noah's got you today,' Donovan comes up with that big throw," Pelkey said.

Pelkey upped the ante leading up to the county meet, the first meet Tyler was favored

to win. "I kind of intentionally pumped him up as he's going in with a big target on his back," Pelkey said. "He's going in as a favorite. I put a little bit extra on him to make him have to respond to that."

Tyler responded well by sticking to his typical approach. "When it comes to sports, I'm kind of in my own world," Tyler said. "... Just to clear my head, so I can complete the throw when I'm throwing it, because I get nervous about when I see other people throw."

With that mindset, Tyler has left little doubt about how far he's come this season. But the big question about his athletic ability rests with another sport.

Can Tyler dunk? "I won't let him try," Pelkey said. "He'll tell you that he can, but I wouldn't be surprised to see that he could. He's not a big guy, but jumping is all about explosiveness, and he's got a certain amount of pop to him."

Outer Banks, NC Vacation Homes!

Brindley Beach
 VACATIONS & SALES

Over 500 Vacation Homes, from Duck to Kill Devil Hills to Corolla, Outer Banks, Oceanfront to Soundfront, Private Pools, Hot Tubs, Pets and More...

Book Online at www.brindleybeach.com
1-877-642-3224
 "SERVICE FIRST... FUN ALWAYS!"

'07 SCION TC

Sik# 70201467
 Pano. Roof, Alloys
 Lots of Options
\$7,993

SEE OUR AD IN THE AUTOMOTIVE PAGES

KING Volkswagen • KIA
301-948-3330

'09 ACURA TSX

Sik# 362005A
 Tech. Pkg., Auto, Carfax 1 Owner
\$12,885

SEE OUR AD IN THE AUTOMOTIVE PAGES

355 Toyota • Scion
1-888-831-9671

DARCARS VOLVO

4X4
 '04 Dodge Durango Ltd

#384917C
 3rd Row, Leather
\$11,977

See Our Entire Ad In The Auto Section!

DARCARS
 SEE WHAT YOU CAN LOVE CAR BUYING
DARCARS Volvo
 Select Pre-Owned
 15401 Frederick Rd., Rockville
1-888-824-9165
www.darcarsvolvo.com

NOTICE OF JOINT PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on CTAM-1904-2013, filed by Lauren Pruss, on

MONDAY
March 4, 2013
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests an amendment to Chapter 24 (City Zoning Ordinance), Article III, Entitled, "Regulations Applicable to Particular Zones," Division 1A, Entitled, "Generally," § 24-22(A)(3), Division 1, Entitled, "R-A Zone, Low Density Residential," § 24-25, Division 19, Entitled, "MXD Zone, Mixed Use Development," §§ 24-160D.3 And 24-160D.9, Division 21, Entitled, "CBD Zone, Central Business District," § 24-160F.2, Division 22, Entitled, "CD Zone, Corridor Development," § 24-160G.2, 24-160G.6, And 24-160G.8 Through 24-160G.10, Article V, Entitled, "Site Development Plans," § 24-172, Article VI, Entitled, "Administration and Enforcement of Chapter," § 24-180, Article VIII, Entitled, "Amendment Procedure," §§ 24-198(C)(3) And 24-196, Article IX, Entitled, "Signs," §§ 24-211 And 24-212, to Make Modifications so as to Eliminate Redundant Provisions; Update, Correct, and/or Clarify Text and Procedures; and Modify The Requirements for Electronic Signs and the Timing for Posting of Public Hearing Signs.

Further information may be obtained from the Planning Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

COME TO OUR OPEN HOUSE PROGRAM
 ON FEBRUARY 18 AT 9:30 AM TO FIND OUT ABOUT OUR K-12 PROGRAMS.

WASHINGTON

CHRISTIAN

ACADEMY

reverent, adventurous, academically serious

BUS SERVICE TO OUR OLNEY CAMPUS AVAILABLE FROM
 MONTGOMERY, HOWARD, & PRINCE GEORGE'S COUNTIES

16227 Batchellors Forest Rd, Olney, MD • www.washingtonchristian.org • 240-390-0429

AIRLINE CAREERS BEGIN HERE

Become an Aviation Maintenance Tech.
 FAA approved training.
 Financial aid if qualified — Housing available.
 Job placement assistance.
 CALL Aviation Institute of Maintenance
800-481-8974

Natural Gas. Efficient by Nature.

Enjoy greater comfort and energy savings this winter.

Some people call it nesting—the simple act of enjoying your home. When winter comes, you want that nest, your home, to be warm and cozy. But you also want to keep energy costs in line.

Washington Gas has a few simple things you can do that can help save money on your winter heating bills, without giving up the comfort you want.

- Have a licensed natural gas contractor perform a complete inspection of your heating and water heater systems
- Set your thermostat comfortably low in winter and consider installing a programmable thermostat. Setting your thermostat set just one degree lower can save you as much as 3 percent.
- Install proper insulation in your home.
- When you're not using a fireplace, close the flue.
- Replace your furnace filter once a month.
- Turn your hot water heater down to warm or low, never more than 120 degrees.
- Replace all cracked or broken window glass, consider adding storm windows, caulk and weatherstrip doors and windows.
- Wash full loads of laundry and dishes.

For more information and additional energy saving tips visit washingtongas.com.

Take advantage of our Budget Plan.

With the Washington Gas Budget Plan, you'll be able to spread the higher cost of winter heating into the warmer months. You'll pay the same amount each month for natural gas. It costs nothing to enroll. To sign up for The Budget Payment Plan, call 703-750-1000 or log on to washingtongas.com.



MEMORANDUM

TO: Mayor and City Council and Planning Commission

FROM: Lauren Pruss, Planning Director

VIA: John Schlichting, Director of Planning and Code Administration

RE: Proposed Text Amendments: Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and Housekeeping Text Amendments

DATE: February 14, 2013

In keeping with the City's strategic plan for economic development and in an effort to implement the master plan and improve transparency in the public hearing process, City Planning Staff have identified a number of Zoning Ordinance provisions for improvement. Additionally, staff would like to take this opportunity to introduce a number of "housekeeping" amendments that will rectify minor errors and omissions and clarify adopted text to ensure transparency.

This memorandum is organized in two general sections, one addressing more substantive changes to the Zoning Ordinance and another addressing the proposed housekeeping amendments. The more substantive changes address electronic signs, daycare uses throughout the City, sign posting for public hearings, and reorganizing and clarifying the text outlining the approval process for changes to Sketch Plans, Concept Site Plans, and Schematic Development Plans in the CD Corridor Development and MXD Mixed Use Development Zones. These more substantive changes are described in detail below.

Daycare Uses – Section 24-25 (4) (d)

Section 24-25 of the Zoning Ordinance provides regulations for daycare uses which are cross referenced throughout the text of the Zoning Ordinance. Subsection (4) (d) requires daycare facilities that accommodate more than eight individuals to be located in a planned residential community. This cross reference essentially prohibits child day care uses in the I-3, E-1, C-1, C-2, CD and CBD zones where the use is otherwise classified as a permitted use. Both Planning Staff and Economic Development Director Thomas Lonergan believe that daycare uses are an essential component to attracting desirable businesses to the City, and provide a necessary staple service for our residents.

The proposed text amendment would eliminate Section 24-25 (4) (d). The elimination of the condition that daycare uses be located in a planned residential community will rectify the prohibition of daycare in the aforementioned zones. Further, the elimination of the text will not result in any significant change in the ability to locate such uses in the R-A zone. In the R-A zone, these child day care facilities are also regulated as a special exception, allowing for significant oversight in locating of such facilities in this zone.

Posting of Public Hearing Signs - Section 24-196(e)

This amendment would change the timing of sign posting for public hearings. The code currently requires the sign to be posted five days after the application is received. Staff is rarely ready to schedule the hearing date so early after receipt of the application. Staff typically requires additional materials to be provided by the applicant as well as revisions to the application before we determine the application ready for hearing. The proposed modification would rectify this situation and require the sign to be posted as soon as the hearing date is set, but a minimum of fourteen days prior to the public hearing.

Hearing Procedures for the CD and MXD Zones - Section 24-198(c)

The proposed amendment reorganizes the existing language of this section in a more logical fashion by separating the hearing process from the descriptions of what changes trigger an amendment. The most significant change within this section will allow the Mayor and City Council to hold a courtesy review for minor changes to use, a process previously limited to “Changes other than to use.” This change will help to promote a more business-friendly environment by providing additional flexibility to change approved land uses, and the opportunity to expedite the process within the CD and MXD zones. Additionally, this amendment will clarify the overall hearing process and applicability to concept plans, sketch plans, and schematic development plans.

Electronic Signs – Sections 24-211(g), 24-212(i) and (r)(3)(v*)

Section 24-211(g) subsections (4) and (5*) – This amendment will facilitate an electronic sign for the Gaithersburg Activity Center and Gaithersburg High School and permit all churches, schools, public parks, and public buildings to have electronic message signs when approved by the Planning Commission. Electronic message signs are already allowed subject to Planning Commission approval in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, and MXD Zones. The Planning Commission has recommended specific provisions for signs in residential neighborhoods, and the proposed amendment reflects these modifications. In addition, staff has included additional regulations for electronic signs that will regulate the movement and brightness characteristics of electronic message signs.

Section 24-212 subsections (i) and (r)(3)(v*) – this amendment will allow changeable electronic/LED lighting for the numerical portion of a gasoline pricing sign without Planning Commission approval.

Proposed Housekeeping Amendments

Over the last several years, staff has introduced a number of text amendments revising language within the zoning ordinance. Following adoption and implementation of text amendments, staff periodically finds the need to clarify language as well as rectify minor errors and omissions through what is commonly referred to as a “housekeeping” amendment. These amendments also offer the opportunity for staff to address sections of the zoning ordinance which have become outdated and no longer make sense in practical application, or

to expand the use of desirable provisions of the code to other areas where such language is not currently found. The following is a summary of these “housekeeping” changes to Chapter 24 listed by section as currently recommended by staff:

Section 24-22(a)(3) – This amendment clarifies City staff as the designee for land use interpretations of prohibited, special exception and conditional uses. This language reflects current practice. Such determinations may still be appealed to the Board of Appeals.

Section 24-160D.3.(b) – This amendment will clarify fortunetelling businesses as a prohibited use in the MXD zone.

Section 24-160D.9.(a)(1)(b) – This amendment corrects a code reference that should have been amended when we addressed the traffic regulations in 2012.

Section 24-160D.9.(c) subsections (5) and (6) - This amendment deletes the requirement for the applicant to establish restrictive covenants and to enter in to a site plan enforcement agreement. City staff have found that covenants and site plan enforcement agreements are unnecessary to ensure the City’s ability to enforce compliance with an approved site plan.

Section 24-160F.2. - This amendment will clarify fortunetelling businesses, and motorcycle and boat repair and sales as prohibited uses in the CBD zone.

Section 24-160G.2.(b) - This amendment will clarify fortunetelling businesses, motorcycle repair and boat repair as prohibited uses in the CBD zone.

Section 24-160G.6.(d) - This amendment deletes the requirement for the applicant to enter in to a site plan enforcement agreement. City staff have found that covenants and site plan enforcement agreements are unnecessary to ensure the City’s ability to enforce compliance with an approved site plan.

Section 24-160G.8. – This amendment correctly deletes a duplicative section providing the procedures for amendment to concept and schematic development plans. The process for amendment is referenced in the proceeding subsection 24-160G.6.(e).

Section 24-172 subsections (b) and (c) – This amendment correctly deletes text that was previously eliminated as a component to establishing the minor amendment procedure correctly codified in the subsequent Section 24-172A.

Section 24-180 – This amendment mimics the language from the proposed amendment to Section 24-22(a)(3) and relegates authority from the Planning Commission to City staff as the designee for land use interpretations of prohibited, special exception and conditional uses. This language reflects current practice. Such determinations may still be appealed to the Board of Appeals.

Section 24-212 – this amendment will clarify that this section of the sign ordinance applies to the CD zone.

The proposed text amendments were presented to the Planning Commission for sponsorship at their February 6, 2013 meeting. The Planning Commission unanimously voted to sponsor the proposed text amendments. Following the Joint Public Hearing on March 4, 2013, Staff is recommending that the Planning Commission hold their record open until 5:00 PM on March 27, 2013 (23 days) with their recommendation scheduled for April 3, 2013. Staff recommends that the Mayor and City Council vote to hold their record open until 5:00 PM on April 11, 2013 (38 days) with policy discussion scheduled for May 6, 2013.

lp/LP

att.

* Indicates new/amended/proposed subparagraphs

Ordinance No. _____

AN ORDINANCE TO AMEND CHAPTER 24 (CITY ZONING ORDINANCE), ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 1A, ENTITLED, "GENERALLY," § 24-22(A)(3), DIVISION 1, ENTITLED, "R-A ZONE, LOW DENSITY RESIDENTIAL," § 24-25, DIVISION 19, ENTITLED, "MXD ZONE, MIXED USE DEVELOPMENT," §§ 24-160D.3 AND 24-160D.9, DIVISION 21, ENTITLED, "CBD ZONE, CENTRAL BUSINESS DISTRICT," § 24-160F.2, DIVISION 22, ENTITLED, "CD ZONE, CORRIDOR DEVELOPMENT," §§ 24-160G.2, 24-160G.6, AND 24-160G.8 THROUGH 24-160G.10, ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," § 24-172, ARTICLE VI, ENTITLED, "ADMINISTRATION AND ENFORCEMENT OF CHAPTER," § 24-180, ARTICLE VIII, ENTITLED, "AMENDMENT PROCEDURE," §§ 24-198(C)(3) AND 24-196, ARTICLE IX, ENTITLED, "SIGNS," §§ 24-211 AND 24-212, TO MAKE MODIFICATIONS SO AS TO ELIMINATE REDUNDANT PROVISIONS; UPDATE, CORRECT, AND/OR CLARIFY TEXT AND PROCEDURES; AND MODIFY THE REQUIREMENTS FOR ELECTRONIC SIGNS AND THE TIMING FOR POSTING OF PUBLIC HEARING SIGNS

Text Amendment CTAM-1904-2013

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled, that Chapter 24 of the City Code (City Zoning Ordinance) Article VIII, §24-196 is amended to read as follows:

ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES

DIVISION 1A. GENERALLY

Sec. 24-22. Permitted and special exception uses.

(a) Except as provided elsewhere in this chapter, no use shall be allowed except as indicated in the table provided in the text of each zoning district as follows:

(1) * * *

(2) * * *

(3) Prohibited uses are uses not identified as permitted uses, special exception uses or conditional uses in any specific zoning district in this

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
Single strikethrough	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by Amendment.</i>
Double boldface strikethrough	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

chapter or specifically identified as a prohibited use in any specific zoning district. Lawful accessory uses and lawful non-conforming uses are not prohibited uses. For uses not specifically listed, a zoning interpretation may be obtained from the city manager or his/her designee as to whether the proposed use or uses are allowed within a particular zoning category.

* * * *

DIVISION 1. R-A ZONE, LOW DENSITY RESIDENTIAL

Sec. 24-25. Uses permitted as special exceptions.

The following uses are permitted as special exceptions after approval by the board of appeals.

- (1) * * *
- (2) * * *
- (3) * * *
- (4) Child or elderly day care facilities accommodating more than eight (8) individuals; provided, that the approval of such use in any wood frame structure or building shall be conditioned upon the installation and maintenance of an approved fire prevention sprinkler system of a light hazard classification pursuant to the current standards set forth by the Montgomery County, Maryland Fire Code regulations. This use shall be subject to the following standards:
 - a. * * *
 - b. * * *
 - c. * * *
 - d. ~~That the facility is designed as a part of a planned residential community.~~
 - e. That the design of the facilities will be compatible and in character with surrounding, existing and proposed residential uses.

* * * *

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT

* * * *

Sec. 24-160.D.3. Uses permitted.

(a) * * * *

- (b) *Commercial/employment/industrial.* All uses allowed by right in any of the following zone: R-B, C-B, C-1, C-2, C-3, E-1, E-2 and I-3 Zones are permitted uses. The following uses are specifically prohibited:

Adult-oriented business.

Automobile paint and body repair shops.

Body piercing establishments

Drive-in theaters.

Fortune telling business.

Hotel, extended stay.

Manufacture, compounding, and processing of goods or articles.

Pawnshops.

Tattoo parlor.

* * * *

Sec. 24-160.D.9. Application and processing procedures.

Procedures governing the application for the MXD Zone and approvals necessary to seek building permits shall be subject to the following multistep process:

(a) *Application for the MXD Zone and sketch plan approval.*

- (1) An applicant shall file, together with the prescribed application fee, an application for the MXD Zone pursuant to the provisions of section 24-196 of this Code, and in addition, shall submit for the approval as part of the application for separate approval, a sketch plan reflecting at a minimum, the following:

a. The boundaries of the entire tract of parcel.

b. The requirements of section 24-169(a), except for items (4), (5), (6) and (7) **(3), (4), (5) and (6)f.**

* * * *

(c) *Final site plan review.* Following approval of a schematic development plan, an applicant shall submit to the city planning commission, an

applicant shall submit to the city planning commission a final site plan for approval, which shall be in accord with the approved schematic development plan and shall include the following:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) ~~A proposed covenant, suitable for filing in the land records of Montgomery County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be filed in the land records shall also indicate that such restrictions shall be in effect until such time as the property may be rezoned, at which time such restrictions shall be removed.~~
- (6) ~~A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that the performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasure of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.~~

Approvals, processes, procedures and amendments to site plans shall be in accord with Article V of this Chapter 24 of the Code.

DIVISION 21. CBD ZONE, CENTRAL BUSINESS DISTRICT

Sec. 24-160F.2. Uses allowed.

- (a) *Permitted uses.* All uses listed as permitted and not solely as special exceptions in all zoning districts, unless otherwise designated in the below subsections (b) and (c) as a prohibited, special exception, or conditional use. except:

- ~~(1) Automobile and truck repair and services.~~
- ~~(2) Automobile and truck body repair shops.~~
- ~~(3) Automobile and truck sales.~~
- ~~(4) Landscaping and excavation contractor business involving the use of heavy trucks and equipment.~~
- ~~(5) Pawn shops.~~
- ~~(6) Tattoo parlors.~~
- ~~(7) Telecommunications facilities located entirely within an existing structure, subject to the requirements of section 24-167A(C)(1).~~
- ~~(8) These uses listed in subsection (b) of this section.~~

(b) *Special exception uses*

- ~~(1) Boarding homes.~~
- ~~(2) Group residential facilities located entirely within an existing structure, subject to the requirements of section 24-167A(C)(1).~~
- ~~(3) Laboratories, provided such use meets all federal, state and local safety regulations.~~
- ~~(4) Consignment shops.~~
- ~~(5) Private educational institutions.~~

(b) Prohibited uses. The following uses are prohibited in the CBD Zone.

- (1) Automobile, motorcycle, marine, and truck repair and services.
- (2) Automobile, motorcycle, marine, and truck body repair shops.

(3) Automobile, motorcycle, marine, and truck sales.

(4) Landscaping and excavation contractor business involving the use of heavy trucks and equipment.

(5) Pawn shops.

(6) Tattoo parlors.

(7) Telecommunications facilities unless located entirely within an existing structure, subject to the requirements of section 24-167A(D)(1).

(8) Fortune telling business.

(c) *Special exception uses.* The following uses shall be special exception uses in the CBD Zone subject to approval by the City Board of Appeals notwithstanding the fact that such use may be allowed as a permitted use in any other zones referred to in the above subsection (a):

(1) Boarding homes

(2) Group residential facilities operated by a nonprofit or public entity.

(3) Laboratories, provided such use meets all federal, state and local safety regulations.

(4) Consignment shops.

(5) Private educational institutions.

* * * *

DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

* * * *

Sec. 24-160G.2. Uses allowed.

(a) *Permitted uses.* * * * *

(b) *Prohibited uses.* All of the following uses are prohibited in the CD Zone:

(1) Automobile, motorcycle, marine, and truck body repair shops.

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(6) * * *

(7) Fortune telling businesses.

* * *

Sec. 24-160G.6. Procedure for application and approval.

Procedure governing the application for the CD Zone and approvals necessary to seek building permits shall be subject to the following process:

(a) * * *

(b) * * *

(c) * * *

(d) ~~A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.~~

~~(e)~~ Amendments to a schematic development plan or concept plan. property within the CD zone shall be governed by the process set forth in section 24-198(c) of the City Code.

* * *

Sec. 24-160G.8. Procedures for amendment.

Amendments to a schematic development plan or concept plan may be permitted, pursuant to the following requirements:

- (a) ~~The schematic development plan or concept plan may be amended:~~
 - (1) ~~At any time before review and recommendation by the planning commission;~~
 - (2) ~~At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation;~~
 - (3) ~~At any time following council action granting the approval of a schematic development plan as follows:~~
 - a. ~~Change in use involved.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council. The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.
 - b. ~~Changes other than to use.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council when the change to the proposed application:
 - 1. ~~Increases the height of building by then (10) feet or more, or~~
 - 2. ~~Materially changes the orientation or siting of buildings, parking accessory uses, or~~
 - 3. ~~Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or~~
 - 4. ~~Increases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater, or~~
 - 5. ~~Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.~~

~~The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.~~

Sec. 24-160G.98. Existing buildings and uses.

* * * *

Sec. 24-160G.10.9. Special regulations and requirements.

* * * *

ARTICLE V. SITE DEVELOPMENT PLANS

* * * *

Sec. 24-172. Compliance with and changes in plan.

- (a) Compliance requirements. Land which is the subject of an approved site development plan shall be developed and used only in accordance with the approved plan or in accordance with amendments to said plan approved in accord with the provisions of this chapter. The approvals of site development plans or amendments thereto may contain such conditions as are necessary to ensure compliance with the requirements of this chapter or which are in the public interest. Use and development of land which is the subject of the site development plan or the construction of a building or structure thereon in a manner not in compliance with that plan is prohibited and shall constitute a violation of this chapter.
- ~~(b) Requests for amendment of site development plans. A request for amendment shall be accompanied by so much of the information required by section 24-169 as is necessary to properly detail and permit action upon the request for amendment. At the time the application for amendment is filed, the applicant shall pay the prescribed fee for processing the request. Minor amendment requests shall be those requests specified in subsection (c) of this section and shall be acted upon by the planning director or his/her designee. The applicant for a minor amendment shall provide, by mail or personal delivery, written notice in a form approved by the city planning department to owners of abutting and confronting properties of the amendment request within two (2) business days of filing the request, and shall certify the same to the planning department. All amendment requests, except for minor~~

~~amendments, shall be subject to public hearing and decision by the city planning commission.~~

~~(c) Minor amendment requests.~~

~~(1) Requests for minor amendment shall be filed with and acted upon by the planning director or his/her designee. Requests for minor amendment include:~~

~~(a) Resiting or relocation of buildings or structures including, but not limited to, garages and accessory structures on not more than three (3) contiguous lots, including moving or rotation of a building or structure's footprint, provided such moving or rotation does not shift a building or structure's footprint more than ten (10) feet in any direction.~~

~~(b) Resiting of a lot with a house type previously approved by the city planning commission.~~

~~(c) Approval of retaining walls/fences and other enclosures.~~

~~(d) Minor revisions to building elevation and site plan details which do not add onto buildings or expand footprints of previously approved buildings (other than item (b) above).~~

~~(e) Minor signage changes or additions.~~

~~(f) Minor landscaping or pedestrian and sidewalk access revisions.~~

~~(g) Addition of easements and parking areas or correction of easement and parking area locations.~~

~~(h) Revisions to forest conservation plan.~~

~~(i) Revisions or amendments delegated by the city planning commission.~~

~~(2) Public hearings of the planning commission are not required for a minor amendment, provided, however, the planning director or his/her designee shall, upon request, meet with the applicant and interested parties or consider written comments on the amendment.~~

~~(3) A minor amendment may only be granted if:~~

- (a) ~~The amendment does not violate the development standards of the property's zoning or increase the lawful nonconformity of any lot or building; and~~
 - (b) ~~The amendment is in general harmony with the architectural and site design characteristics of the approved site development plan; and~~
 - (c) ~~The amendment will not substantially impair the intent, purpose or integrity of the neighborhood or the planning documents for the applicable area.~~
- (4) ~~The decision of the planning director (or designee) may be appealed to the city planning commission if filed with the planning department, in writing, within fifteen (15) days after the decision is mailed by the planning director. The planning commission, in its discretion, may hold a public hearing on the decision of the planning director, or order written statements and oral argument in lieu of a public hearing. The planning commission may approve, approve with modification, or disapprove the requested amendment(s) and shall state the reasons for its action.~~

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT OF CHAPTER

* * * *

Sec. 24-180. Requests for interpretation of chapter.

~~Upon the application of a property owner for an interpretation of a particular section of this chapter relative to land use, the city manager shall request of the planning commission a certified zoning interpretation confirming the permitted use or uses within a particular zoning category established on the zoning map of the city.~~ For uses not specifically listed, a zoning interpretation may be obtained from the city manager or his/her designee as to whether the proposed use or uses are allowed within a particular zoning category.

* * * *

ARTICLE VIII. AMENDMENT PROCEDURE

* * * *

Sec. 24-196. Map amendments.

- (a) * * * *

(b) * * *

(c) * * *

(d) * * *

(e) *Posting of notice.* ~~Within five (5) days after the filing of a map amendment application, t~~ The applicant shall erect one or more signs to be supplied to him by the city manager giving notice of the number assigned to such application and the classifications proposed. Such sign or signs shall be erected by the applicant on the property which is the subject of the application in accordance with the specifications of this subsection. **The sign(s) shall be erected as soon as the public hearing date is set, but in all cases the signs shall be posted a minimum of fourteen (14) calendar days prior to the date of the public hearing.** Ordinarily, such sign or signs shall be located on property which is the subject of the application. In the event the applicant is not the owner of the property and the owner refuses to permit a sign to be placed on the property, or in the event a sign on the property cannot be readily seen by the public, the city manager may direct that the sign or signs be placed on property other than the subject property in such locations as will give fair notice of the pendency of the application. All signs shall be posted in accordance with the following rules:

* * *

Sec. 24-198. Optional method of application for local map amendments

* * *

~~(c) The schematic development plan may be amended:~~

~~(1) At any time before review and recommendation by the planning commission;~~

~~(2) At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation;~~

~~(3) Subsequent to council action to approve as follows:~~

~~c. *Change in use involved.* By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council. The council shall approve or disapprove the recommendation of the planning commission, without the necessity of a public hearing, no later than~~

~~forty-five (45) days after receipt of the commission's recommendation or may, on its own motion, extend such time limit.~~

- d. ~~No change in use involved.~~ By submission to the planning commission for evaluation and approval in accordance with Article V of this chapter.
- e. ~~Changes other than to use.~~ By either the filing of a new application or resubmission to the planning commission for further evaluation, public hearing and recommendation to the council when the change is to proposed new development or modification to existing development which:
 - (i) ~~Increases the height of building or signage by ten (10) feet or more, or~~
 - (ii) ~~Materially changes the orientation or siting of buildings, parking accessory uses, or~~
 - (iii) ~~Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or~~
 - (iv) ~~Increases by more than ten (10) percent or five (5) units the number of residential dwelling units whichever is greater, or~~
 - (v) ~~Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.~~

~~The council shall hold only a courtesy review of the application, presented by the city planning staff, prior to action by the planning commission. The council shall either:~~

- (1) ~~Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(3)b.; or~~
- (2) ~~Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.~~

(c) Amendments to concept plans, sketch plans, and schematic development plans:

(1) The concept plan, sketch plan or schematic development plan must be amended when:

a. *Change in use involved.*

b. *Changes other than to use:*

(i) Increases the height of building or signage by then (10) feet or more, or

(ii) Materially changes the orientation or siting of buildings, parking accessory uses, or

(iii) Increases nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, or

(iv) Increases by more than ten percent or five (5) units the number of residential dwelling units whichever is greater, or

(v) Removes more than five (5) percent of area designated for conservation or other environmental preservation purposes.

c. *No change in use involved.* When sections (a) and (b) are not applicable to the proposed amendment, the schematic development plan may be amended by submission to the planning commission for evaluation and approval in accordance with Article V of this chapter.

(2) For amendments involving change in use or changes other than to use, plans may be amended at any time as follows:

a. At any time before review and recommendation by the planning commission.

b. At any time after planning commission review and prior to council action by resubmission to the planning commission for further review and recommendation.

c. Subsequent to council action to approve as follows:

(i) Filing of a new application in accordance with Sec. 24-160D.9.

(ii) Resubmission of the previous application to the mayor and city council for a courtesy review of the application, resented by the city planning staff, prior to action by the planning commission. The council shall either:

1. Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(1).

2. Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than fort-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.

* * * *

ARTICLE IX. SIGNS

* * * *

Sec. 24-211. Signs permitted in all zones.

Subject to the other conditions of article IX and as noted in this section, the following signs shall be permitted in any zone:

* * * *

(g) *Permanent identification signs:*

(1) * * * *

(2) * * * *

(3) * * * *

(4) All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed, ~~and shall only be lighted from an exterior light source which has a disconnect switch in close proximity to the sign.~~ Residential community signs shall only be lighted from an exterior light source. Channel letters and

internally lit box signs are permitted for places of assembly, worship and schools as follows: the background is opaque where only the letters or logos are illuminated. Illuminated white backgrounds are prohibited. The color white may be used for the letters and logos.

(5) Places of worship, schools, public parks and public buildings with approval of the planning commission shall be permitted to have electronic message boards, subject to the following regulations:

a. An electronic message display board must not have any distracting appearance of motion, flashing, blinking, or shimmering, and must not constitute a safety hazard by distraction of drivers. The display shall remain static for a minimum of six (6) seconds with instantaneous change of the display; i.e., no "fading" in/out of the message.

b. No more than one sign with one electronic message display board is permitted per lot of record.

c. An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.

d. Individual letter height shall not be less than five (5) inches.

e. The brightness of the sign shall be limited to a maximum luminance of 5,000 nits (candelas per square meter) during daylight and 500 nits (candelas per square meter) between dusk and dawn.

f. All signs shall have automatic brightness control keyed to ambient light levels.

g. Sign displays shall go dark if there is a malfunction.

h. When located within 100 feet of any single family attached or detached use on a lot in a residential zone, the electronic message board should be oriented so that no portion of the message board face is visible from an existing or permitted residential structure on that lot. Landscape screening or fencing may be used to block the view of the sign from the residential structure.

Sec. 24-212. Commercial and industrial signs.

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, **CD**, and MXD Zones. Guidelines adopted for the CD, [and] CBD Zones, and Mixed Use Town Centers in the MXD Zone, each as may be amended by resolution, are incorporated into this Article IX and are binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between those guidelines and the provisions of Chapter 24, Article IX, the guidelines shall control.

* * * *

- (i) *Electronic signs:* Electronic signs as defined in Sec. 24-209 must be approved by the planning commission, except where otherwise permitted by right within this article. In addition to all the other requirements in Sec. 24-212, the following requirements shall apply:

- a. An electronic message display board must not have any distracting appearance of motion, flashing, blinking, or shimmering, and must not constitute a safety hazard by distraction of drivers. The display shall remain static for a minimum of six (6) seconds with instantaneous change of the display; i.e., no "fading" in/out of the message.
- b. No more than one sign with one electronic message display board is permitted per lot of record.
- c. An electronic message display board may not be located so that its message is visible from any controlled-access highway or ramp.
- d. Individual letter height shall not be less than five (5) inches.
- e. The brightness of the sign shall be limited to a maximum luminance of 5,000 nits (candelas per square meter) during daylight and 500 nits (candelas per square meter) between dusk and dawn.
- f. All signs shall have automatic brightness control keyed to ambient light levels.
- g. Sign displays shall go dark if there is a malfunction.
- h. When located within 100 feet of any single family attached or detached use on a lot in a residential zone, the electronic message board should be oriented so that no portion of the message board face is visible from an existing or permitted residential structure on that lot. Landscape screening or fencing may be used to block the view of the sign from the residential structure.

* * * *

(r) *Service station signs:*

(1) * * * *

(2) * * * *

(3) One monument sign depicting the brand of gasoline and the state pricing signage is permitted.

(i) All such signs erected or structurally altered after the effective date of this article shall be no higher than eight (8) feet and no wider than ten (10) feet.

(ii) Each monument sign erected or structurally altered after the effective date of this article shall be no greater than eighty (80) square feet in size, including the state-required pricing signage.

(iii) All such signs erected prior to the effective date of this ordinance which are greater than eight (8) feet in height are permitted to remain unless modified in any way that requires the issuance of a permit, in which case they shall be required to conform to this ordinance.

(iv) Only one additional monument sign may be permitted, if the station is located on a through lot as define in Sec. 24-1.

(v) The numerical portion of such signs may consist of changeable electronic/LED messaging without planning commission approval. Such signs must be operated in conformance with Sec. 24-212(i), excluding subsection b.

* * * *

ADOPTED by the City Council of Gaithersburg, Maryland, this ____ day of _____, 2013.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2013. APPROVED by the Mayor of the City of Gaithersburg, Maryland this ____ day of _____, 2013.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2013, and the same was APPROVED by the Mayor of the City of Gaithersburg on the ____ day of _____, 2013. This Ordinance will become effective on the ____ day of _____, 2013.

TONY TOMASELLO, City Manager

From the City Attorney and
Other Staff

Adjournment

Correspondence

James W. Jacobs, Sr.
1 Central Avenue
Gaithersburg, MD 20877
301-926-2673

Distributed to M&CC:3/4/13
Committee Resignation

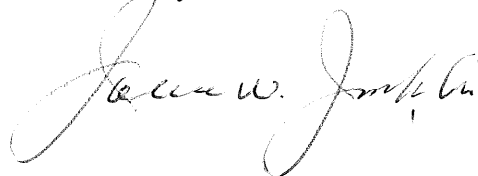
February 22, 2013

Lynn Board, City Attorney
City of Gaithersburg Ethics Commission
31 South Summit Avenue
Gaithersburg, MD 20877

Dear Ms. Board,

As you know, my term on the Ethics Commission expires on March 1, 2013. At this time, I will not seek to extend this term any further than the expiration date. It has been my pleasure to serve on the Ethics Commission for the City of Gaithersburg and wish you all well in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "James W. Jacobs, Sr.", written in dark ink.

James W. Jacobs, Sr.



Distributed to M&CC:3/4/13
DHCD Public Hearings

MARTIN O'MALLEY
Governor
ANTHONY G. BROWN
Lt. Governor
RAYMOND A. SKINNER
Secretary
CLARENCE J. SNUGGS
Deputy Secretary

February 12, 2013

Dear Colleague:

Under the guidelines established by the U.S. Department of Housing and Urban Development (HUD), notice is hereby given that the Maryland Department of Housing and Community Development (DHCD) will hold a series of public hearings to develop its new draft Annual Plan update of the State's Consolidated Plan.

The Consolidated Plan is a five-year planning document required by HUD that sets out overall Statewide goals and priorities for housing, community development, and economic development activities. Special emphasis is given under the Plan to provide assistance for extremely low-, low, and moderate-income persons. In addition to being a planning document, the Consolidated Plan also serves as the State's application to HUD for Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grants (ESG), Housing Opportunity With AIDS (HOPWA). These funds are used primarily in the State's rural areas, as many communities, including Anne Arundel, Baltimore, Harford, Howard, Montgomery, and Prince George's Counties, as well as the Cities of Annapolis, Baltimore, Bowie, Cumberland, Frederick, Gaithersburg, Hagerstown and Salisbury receive their own funding directly from HUD.

As you may know, the federal government has yet to pass a budget for funding under the programs covered by the Plan. With the pending impact of sequestration, DHCD estimates it will have about \$6.3 million in CDBG funding, \$3.8 million in HOME funding, \$1 million in ESG funding, and \$370,000 in HOPWA funding to allocate under the Plan should a final budget be enacted and sequestration take place.

In addition to the above, it should also be noted that the Consolidated Plan also makes it possible for DHCD, public housing authorities, local governments, nonprofit organizations, community action agencies and others to apply for funding under HUD's competitive grant programs. Local public housing authority Plans must be consistent with the State's Consolidated Plan, and USDA Farmer's Home housing programs and Federal Low-Income Housing Tax Credits are also coordinated with the Plan. Lastly, while not directly covered by the Consolidated Plan, HUD funding allocations for the Section 8 Certificate and Voucher programs may be made in a way that enables jurisdictions to carry out their Consolidated Plan.

In developing its five-year Plan, the State determined it would focus its resources on three main priorities: Revitalizing Communities, Expanding the Supply of Decent Affordable Housing, and Providing Homeownership Opportunities. The Annual Plan update (which will be for the fourth year of the current Five Year Plan) will establish one-year goals for these priorities. It is to this purpose that we are holding public hearings - to gain input regarding how to carry out these goals in the coming year.



At this point, nothing has been written for the draft Annual Plan update. These hearings are to gather initial input about what should be in the draft Annual Plan. DHCD will then write a draft Annual Plan, which will be released for 30 days of public comment (including written comment) at the beginning of April, 2013. After the public has had several weeks to review the draft Annual Plan, a second set of hearings will be held beginning around the third week in April. Additional comments, recommendations, and suggestions will be taken during these hearings (and during the full public comment period), with the final version of the Annual Plan submitted to HUD on or around May 17, 2013.

The first set of hearings on the development of the draft Annual Plan will be held at the following dates, times, and places:

Friday, March 1, 2013 at 1:30 p.m.

Caroline County Central Library
100 Market Street
Small Meeting Room
Denton, Maryland

Thursday, March 7, 2013 at 10:30 a.m.

Fairview Branch Library
Small Meeting Room
Rt. 4 and Chaneyville Road
Owings, Maryland 20736

Wednesday, March 6, 2013 at 7:00 p.m.

Maryland Department of Housing
and Community Development
First Floor Conference Room
100 Community Place
Crownsville, Maryland

Friday, March 8, 2013 at 1:30 p.m.

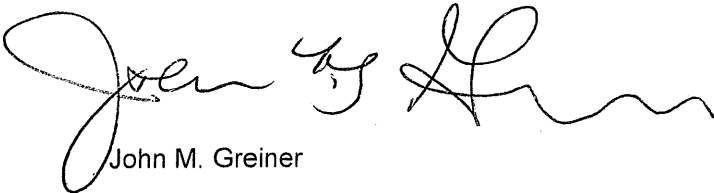
Allegany County Office Complex
701 Kelly Road
Commissioner's Conference Room 212
Cumberland, Maryland

All of the hearing rooms are accessible to persons with disabilities. Persons requiring a translator should request one at least three days prior to the hearing they plan to attend. Any questions or comments should be directed to me at the address, phone numbers, or e-mail listed below:

Mr. John M. Greiner
Housing Policy Officer
Maryland Department of Housing and Community Development
100 Community Place
Crownsville, Maryland 21032-2023
(410) 514-7191 or Maryland Relay for the Deaf at 1 (800) 735-2258.
greiner@dhcd.state.md.us

Thank you for your interest in the Consolidated Plan process.

Sincerely,



John M. Greiner

Officer

Councilmember Bridget Donnell Newton
City of Rockville
President

Ryan Spiegel
City of Gaithersburg
Vice President

Manager Julian Mansfield
Village of Friendship Heights
Treasurer

Intergovernmental Affairs Coordinator
Monica Sanchez
City of Gaithersburg
Secretary



**Maryland Municipal League
Montgomery County Chapter**

Executive Board

Mayor
Bruce Williams
City of Takoma Park

Councilmember
Marnie Shaul
Town of Somerset

Mayor
Dan Pratt
Town of Laytonsville

Town Manager
Jana Coe
Town of Chevy Chase Village

February 25, 2013

Distributed to M&CC:3/4/13

The Honorable Isiah Leggett
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850

Dear County Executive Leggett,

Thank you for consulting the Montgomery County Chapter of the Maryland Municipal League on the appointment of a municipal representative to serve on the Pedestrian Bicycle and Traffic Safety Advisory Committee.

I am pleased to nominate Rockville City Councilmember John Hall to continue to serve as the Chapter's representative.

Your consideration is greatly appreciated. If you should have any questions, please let me know.

Sincerely,

A handwritten signature in black ink that reads 'Bridget D. Newton'. The signature is written in a cursive, flowing style.

Councilmember Bridget Donnell Newton
Chapter President

DIAMOND FARM HOMES CORPORATION

C/o Community Associations, Inc.
P.O. Box 1130
Germantown, Maryland 20875

Distributed to M&CC:3/4/13

Gaithersburg City Council
31 South Summit Avenue
Gaithersburg, MD 20877

February 18, 2013

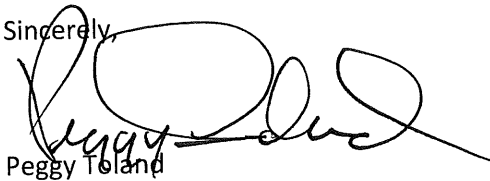
Dear Council Members,

On behalf of the Diamond Farm Homes Corporation I would like to thank the Council for giving them the grant to help defray half of the cost to mulch three of the playgrounds in the community. The mulch has been put in two playgrounds located off of Rye Court (one behind 49 Rye Court and one beside 36 Rye Court)and a third one located behind 67 Longmeadow Drive.

The cost of the mulch was less than what we had anticipated it came out to \$3,070.00 instead of the \$4,750.00. I believe that you would then be only sending a check for half of the lower amount which come s out to \$1,535.00.

Again the Board and the community thank you for your generous help.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Toland", written over a horizontal line.

Agent
Diamond Farm Homes Corporation

Invoice

MainScapes, Inc.

PO Box 132
Ashton, MD 20861-0132
(301) 260-0190

RECEIVED
DEC 17 2012

Diamond Farm Homes Association
Community Associations, Inc.
P.O. Box 1130
Germantown, MD 20875

Contact Peggy Toland

Invoice Number: 0058304-IN

Invoice Date: 12/12/2012

Salesperson: 0010

Job Number: 2166002

Customer Number: 02-0000166

Customer P.O.:

Terms: DUE UPON RECEIPT

Description	UM	Quantity	Price	Amount
Grading of woodchips and installation of fresh wood carpet in playgrounds.				3,070.00

PAID
3498

COMMUNITY DF
DT REC 12/17/12 APPE
PD \$ 3,070.00 DATE PD 12/19/12
CK # 3498 POSTED
ACCT 53070 AMT \$ 3,070.00
LEAF 53070 AMT \$ 3,070.00

Net Invoice:	3,070.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	3,070.00